



Filed: 5/18/2005

09400SB1822sam001

LRB094 11439 JAM 46728 a

1 AMENDMENT TO SENATE BILL 1822

2 AMENDMENT NO. _____. Amend Senate Bill 1822 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Sections 4A-102, 4A-103, 4A-104, and 4A-106 and by
6 adding Section 4A-100 as follows:

7 (5 ILCS 420/4A-100 new)

8 Sec. 4A-100. Definitions. As used in this Article:

9 (a) "Immediate family member" means a father, mother, son,
10 daughter, brother, sister, uncle, aunt, husband, wife,
11 father-in-law, or mother-in-law of the reporting individual.

12 (b) "Income" means income derived from any source,
13 including but not limited to the following: (i) compensation
14 for services, including fees, commissions, and similar items;
15 (ii) gross income derived from business (and net income if the
16 person elects to include it); (iii) gains received from
17 dealings in property; (iv) interest; (v) rents; (vi) royalties;
18 (vii) dividends; (viii) annuities; (ix) income from life
19 insurance and endowment contracts; (x) pensions; (xi) income
20 from discharge of indebtedness; (xii) distributive share of
21 partnership income; and (xiii) income from an interest in an
22 estate or trust. "Income" does not include campaign receipts
23 reported on financial disclosure reports filed with the State
24 Board of Elections.

1 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

2 Sec. 4A-102. The statement of economic interests required
3 by this Article shall include the economic interests of the
4 person making the statement as provided in this Section. The
5 interest (if constructively controlled by the person making the
6 statement) of a spouse or any other immediate family member
7 ~~party,~~ shall be considered to be the same as the interest of
8 the person making the statement. ~~Campaign receipts shall not be~~
9 ~~included in this statement.~~

10 (a) The following interests shall be listed by all persons
11 required to file:

12 (1) The source, type, and amount or value of income
13 (other than income described in subparagraph (2)) from any
14 source other than from current employment by the unit of
15 government for which the statement is required to be filed.

16 (2) The source and type of income that consists of
17 income from dividends, rents, interest, trusts, and
18 capital gains received during the preceding calendar year
19 that exceeds \$200 in amount or value, and an indication of
20 which of the following categories the amount or value of
21 the item of income is within: (i) not more than \$1,000,
22 (ii) greater than \$1,000 but not more than \$2,500, (iii)
23 greater than \$2,500 but not more than \$5,000, (iv) greater
24 than \$5,000 but not more than \$15,000, (v) greater than
25 \$15,000 but not more than \$50,000, (vi) greater than
26 \$50,000 but not more than \$100,000, (vii) greater than
27 \$100,000 but not more than \$1,000,000, (viii) greater than
28 \$1,000,000 but not more than \$5,000,000, or (ix) greater
29 than \$5,000,000.

30 (3) The source, date, and amount of payments made to
31 charitable organizations in lieu of honoraria with a
32 corresponding list of recipients of all the payments,
33 together with the dates and amounts of the payments.

1 (4) The identity and category of value of any interest
2 in property held during the preceding calendar year in a
3 trade or business or for investment or production of
4 income, if the property has a fair market value in excess
5 of \$1,000 at the close of the preceding calendar year. This
6 item does not include any personal liability owed (i) to
7 the person filing the statement by an immediate family
8 member or (ii) to the spouse of the person filing the
9 statement. This item also does not include deposits
10 aggregating \$5,000 or less in a personal savings account,
11 including certificates of deposit and any other form of
12 deposit in a bank, savings and loan association, credit
13 union, or similar financial institution.

14 (5) The identity and category of value of the total
15 liabilities in excess of \$5,000 owed at any time during the
16 preceding calendar year to any creditor other than (i) an
17 immediate family member of the person filing the statement
18 or (ii) an immediate family member of the spouse of the
19 person filing the statement. This item does not include:

20 (A) Any mortgage secured by real property that is a
21 personal residence of the person filing the statement.

22 (B) Any loan secured by a personal motor vehicle,
23 household furniture, appliances, or other similar
24 effect if the loan does not exceed the purchase price
25 of the item or items that secure it.

26 With regard to revolving charge accounts, the
27 person filing the statement need report only those
28 outstanding liabilities in excess of \$10,000 at the
29 close of the preceding calendar year.

30 (6) A brief description, the date, and the category of
31 value of any purchase, sale, or exchange in excess of
32 \$1,000 during the preceding calendar year of (i) real
33 property other than real property used solely for a
34 personal residence of the person filing the statement or

1 his or her spouse or (ii) stocks, bonds, commodity futures,
2 and other forms of securities. This item does not apply to
3 transactions solely by and between the person filing the
4 statement, his or her spouse, and his or her dependent
5 children.

6 (7) The identity of all positions held during the
7 preceding calendar year as an officer, director, trustee,
8 partner, proprietor, representative, employee, or
9 consultant of any corporation, company, firm, partnership,
10 other business enterprise, non-profit organization, labor
11 organization, or educational or other institution of the
12 State, a unit of local government, a school district, or
13 the United States. This item does not apply to positions in
14 religious, social, fraternal, or political organizations
15 or positions of a solely honorary nature.

16 (8) The date of, the parties to, and a description of
17 the terms of any agreement or arrangement with respect to
18 (i) future employment; (ii) a leave of absence from the
19 unit of government in relation to which the person is
20 required to file the statement; (iii) contributions or
21 payments by a former employer other than the unit of
22 government in relation to which the person is required to
23 file the statement; and (iv) continuing participation in an
24 employee welfare or benefit plan with a former employer.

25 (9) The source, date, and amount of honoraria
26 aggregating \$200 or more during the preceding calendar
27 year.

28 (10) The source, date, and amount or value of any gift
29 or gifts valued singularly or in the aggregate in excess of
30 \$500 during the preceding calendar year to the person
31 filing the statement or an immediate family member of the
32 person filing the statement if the gift is from a
33 prohibited source as defined by the State Officials and
34 Employees Ethics Act and is within any of the following

1 captioned items listed in Section 10-15 of that Act,
2 regardless of whether the person filing the statement is
3 otherwise subject to the State Officials and Employees
4 Ethics Act: educational materials and missions; and travel
5 expenses for a meeting to discuss State business.

6 A gift that is listed under a different item of
7 interest in this subsection need not be listed as a gift.

8 (11) Any contributions to any political committee
9 organized under the Election Code made since the end of the
10 preceding disclosure period under Section 9-10 of the
11 Election Code and the date the person files the statement
12 of economic interests, including the amount of the
13 contribution, the date, and the recipient.

14 (12) Any contribution made to a legal defense fund
15 since the filing of the last previous statement of economic
16 interests or, if the person is filing his or her first
17 statement of economic interests, in the 12 months preceding
18 the filing date.

19 (13) The name of any immediate family member who is
20 registered as a lobbyist with any state or federal agency
21 or office.

22 ~~(1) The name, address and type of practice of any~~
23 ~~professional organization or individual professional~~
24 ~~practice in which the person making the statement was an~~
25 ~~officer, director, associate, partner or proprietor, or~~
26 ~~served in any advisory capacity, from which income in~~
27 ~~excess of \$1200 was derived during the preceding calendar~~
28 ~~year;~~

29 ~~(2) The nature of professional services (other than~~
30 ~~services rendered to the unit or units of government in~~
31 ~~relation to which the person is required to file) and the~~
32 ~~nature of the entity to which they were rendered if fees~~
33 ~~exceeding \$5,000 were received during the preceding~~
34 ~~calendar year from the entity for professional services~~

1 ~~rendered by the person making the statement.~~

2 ~~(3) The identity (including the address or legal~~
3 ~~description of real estate) of any capital asset from which~~
4 ~~a capital gain of \$5,000 or more was realized in the~~
5 ~~preceding calendar year.~~

6 (14) ~~(4)~~ The name of any unit of government which has
7 employed the person making the statement during the
8 preceding calendar year other than the unit or units of
9 government in relation to which the person is required to
10 file.

11 ~~(5) The name of any entity from which a gift or gifts,~~
12 ~~or honorarium or honoraria, valued singly or in the~~
13 ~~aggregate in excess of \$500, was received during the~~
14 ~~preceding calendar year.~~

15 (b) The following interests shall also be listed by persons
16 listed in items (a) through (f) and item (l) of Section 4A-101:

17 ~~(1) The name and instrument of ownership in any entity~~
18 ~~doing business in the State of Illinois, in which an~~
19 ~~ownership interest held by the person at the date of filing~~
20 ~~is in excess of \$5,000 fair market value or from which~~
21 ~~dividends of in excess of \$1,200 were derived during the~~
22 ~~preceding calendar year. (In the case of real estate,~~
23 ~~location thereof shall be listed by street address, or if~~
24 ~~none, then by legal description). No time or demand deposit~~
25 ~~in a financial institution, nor any debt instrument need be~~
26 ~~listed;~~

27 ~~(2) Except for professional service entities, the name~~
28 ~~of any entity and any position held therein from which~~
29 ~~income of in excess of \$1,200 was derived during the~~
30 ~~preceding calendar year, if the entity does business in the~~
31 ~~State of Illinois. No time or demand deposit in a financial~~
32 ~~institution, nor any debt instrument need be listed.~~

33 ~~(3) The identity of any compensated lobbyist with whom~~
34 ~~the person making the statement maintains a close economic~~

1 ~~or personal relationship association~~, including the name
2 of the lobbyist and specifying the legislative matter or
3 matters which are the object of the lobbying activity, ~~and~~
4 ~~describing the general type of economic activity of the~~
5 ~~client or principal on whose behalf that person is~~
6 ~~lobbying.~~

7 (c) The following interests shall also be listed by persons
8 listed in items (g), (h), and (i) of Section 4A-101:

9 (1) The name and instrument of ownership in any entity
10 doing business with a unit of local government in relation
11 to which the person is required to file if the ownership
12 interest of the person filing is greater than \$5,000 fair
13 market value as of the date of filing or if dividends in
14 excess of \$1,200 were received from the entity during the
15 preceding calendar year. (In the case of real estate,
16 location thereof shall be listed by street address, or if
17 none, then by legal description). No time or demand deposit
18 in a financial institution, nor any debt instrument need be
19 listed.

20 ~~(2) Except for professional service entities, the name~~
21 ~~of any entity and any position held therein from which~~
22 ~~income in excess of \$1,200 was derived during the preceding~~
23 ~~calendar year if the entity does business with a unit of~~
24 ~~local government in relation to which the person is~~
25 ~~required to file. No time or demand deposit in a financial~~
26 ~~institution, nor any debt instrument need be listed.~~

27 (2) ~~(3)~~ The name of any entity and the nature of the
28 governmental action requested by any entity which has
29 applied to a unit of local government in relation to which
30 the person must file for any license, franchise or permit
31 for annexation, zoning or rezoning of real estate during
32 the preceding calendar year if the ownership interest of
33 the person filing is in excess of \$5,000 fair market value
34 at the time of filing or if income or dividends in excess

1 of \$1,200 were received by the person filing from the
2 entity during the preceding calendar year.

3 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

4 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)
5 Sec. 4A-103. The statement of economic interests required
6 by this Article to be filed with the Secretary of State shall
7 be filled in by typewriting or hand printing, shall be
8 verified, dated, and signed by the person making the statement,
9 and shall be made on a form prescribed by the Secretary of
10 State that shall substantially replicate the design of the 2002
11 Public Financial Disclosure Report forms employed by the United
12 States Congress for purposes of complying with the Ethics in
13 Government Act of 1978. and shall contain substantially the
14 following:

15 STATEMENT OF ECONOMIC INTEREST

16 (TYPE OR HAND PRINT)

17
18 (name)

19
20 (each office or position of employment for which this statement
21 is filed)

22
23 (full post office address to which notification of an
24 examination of this statement should be sent)

25 GENERAL DIRECTIONS:

26 The interest (if constructively controlled by the person
27 making the statement) of a spouse or any other party, shall be
28 considered to be the same as the interest of the person making
29 the statement.

30 Campaign receipts shall not be included in this statement.

31 If additional space is needed, please attach supplemental
32 listing.

33 1. List the name and instrument of ownership in any entity

1 ~~doing business in the State of Illinois, in which the ownership~~
 2 ~~interest held by the person at the date of filing is in excess~~
 3 ~~of \$5,000 fair market value or from which dividends in excess~~
 4 ~~of \$1,200 were derived during the preceding calendar year. (In~~
 5 ~~the case of real estate, location thereof shall be listed by~~
 6 ~~street address, or if none, then by legal description.) No time~~
 7 ~~or demand deposit in a financial institution, nor any debt~~
 8 ~~instrument need be listed.~~

Business Entity	Instrument of Ownership
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.....
.....
.....

14 ~~2. List the name, address and type of practice of any~~
 15 ~~professional organization in which the person making the~~
 16 ~~statement was an officer, director, associate, partner or~~
 17 ~~proprietor or served in any advisory capacity, from which~~
 18 ~~income in excess of \$1,200 was derived during the preceding~~
 19 ~~calendar year.~~

Name	Address	Type of Practice
.....
.....
.....

24 ~~3. List the nature of professional services rendered (other~~
 25 ~~than to the State of Illinois) to each entity from which income~~
 26 ~~exceeding \$5,000 was received for professional services~~
 27 ~~rendered during the preceding calendar year by the person~~
 28 ~~making the statement.~~

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31 ~~4. List the identity (including the address or legal~~
 32 ~~description of real estate) of any capital asset from which a~~
 33 ~~capital gain of \$5,000 or more was realized during the~~
 34 ~~preceding calendar year.~~

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3 ~~5. List the identity of any compensated lobbyist with whom~~
4 ~~the person making the statement maintains a close economic~~
5 ~~association, including the name of the lobbyist and specifying~~
6 ~~the legislative matter or matters which are the object of the~~
7 ~~lobbying activity, and describing the general type of economic~~
8 ~~activity of the client or principal on whose behalf that person~~
9 ~~is lobbying.~~

10	Lobbyist	Legislative Matter	Client or Principal
11	.....	.....	.....
12	.....	.....	.....

13 ~~6. List the name of any entity doing business in the State~~
14 ~~of Illinois from which income in excess of \$1,200 was derived~~
15 ~~during the preceding calendar year other than for professional~~
16 ~~services and the title or description of any position held in~~
17 ~~that entity. (In the case of real estate, location thereof~~
18 ~~shall be listed by street address, or if none, then by legal~~
19 ~~description). No time or demand deposit in a financial~~
20 ~~institution nor any debt instrument need be listed.~~

21	Entity	Position Held
22	.....	.....
23	.....	.....
24	.....	.....

25 ~~7. List the name of any unit of government which employed~~
26 ~~the person making the statement during the preceding calendar~~
27 ~~year other than the unit or units of government in relation to~~
28 ~~which the person is required to file.~~

29
30

31 ~~8. List the name of any entity from which a gift or gifts,~~
32 ~~or honorarium or honoraria, valued singly or in the aggregate~~
33 ~~in excess of \$500, was received during the preceding calendar~~
34 ~~year.~~

1
2

3 ~~VERIFICATION:~~

4 ~~"I declare that this statement of economic interests~~
5 ~~(including any accompanying schedules and statements) has been~~
6 ~~examined by me and to the best of my knowledge and belief is a~~
7 ~~true, correct and complete statement of my economic interests~~
8 ~~as required by the Illinois Governmental Ethics Act. I~~
9 ~~understand that the penalty for willfully filing a false or~~
10 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~
11 ~~imprisonment in a penal institution other than the penitentiary~~
12 ~~not to exceed one year, or both fine and imprisonment."~~

13
14

15 ~~(date of filing) (signature of person making the statement)~~

16 (Source: P.A. 92-101, eff. 1-1-02.)

17 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

18 Sec. 4A-104. The statement of economic interests required
19 by this Article to be filed with the county clerk shall be
20 filled in by typewriting or hand printing, shall be verified,
21 dated, and signed by the person making the statement, and shall
22 be made on a form prescribed by the Secretary of State that
23 shall substantially replicate the design of the 2002 Public
24 Financial Disclosure Report forms employed by the United States
25 Congress for purposes of complying with the Ethics in
26 Government Act of 1978. ~~contain substantially the following:~~

27 ~~STATEMENT OF ECONOMIC INTERESTS~~

28 ~~(TYPE OR HAND PRINT)~~

29
30

31 ~~(Name)~~

32
33

34 ~~(each office or position of employment for which this statement~~
35 ~~is filed)~~

36 ~~(full post office address to which notification of an~~
37 ~~examination of this statement should be sent)~~

1 ~~GENERAL DIRECTIONS:~~

2 ~~The interest (if constructively controlled by the person~~
3 ~~making the statement) of a spouse or any other party, shall be~~
4 ~~considered to be the same as the interest of the person making~~
5 ~~the statement.~~

6 ~~Campaign receipts shall not be included in this statement.~~

7 ~~If additional space is needed, please attach supplemental~~
8 ~~listing.~~

9 ~~1. List the name and instrument of ownership in any entity~~
10 ~~doing business with a unit of local government in relation to~~
11 ~~which the person is required to file, in which the ownership~~
12 ~~interest held by the person at the date of filing is in excess~~
13 ~~of \$5,000 fair market value or from which dividends in excess~~
14 ~~of \$1,200 were received during the preceding calendar year. (In~~
15 ~~the case of real estate, location thereof shall be listed by~~
16 ~~street address, or if none, then by legal description.) No time~~
17 ~~or demand deposit in a financial institution, nor any debt~~
18 ~~instrument shall be listed.~~

19 Business	Instrument of	Position of
20 Entity	Ownership	Management
21
22
23

24 ~~2. List the name, address and type of practice of any~~
25 ~~professional organization in which the person making the~~
26 ~~statement was an officer, director, associate, partner or~~
27 ~~proprietor, or served in any advisory capacity, from which~~
28 ~~income in excess of \$1,200 was derived during the preceding~~
29 ~~calendar year.~~

30 Name	Address	Type of Practice
31
32
33

34 ~~3. List the nature of professional services rendered (other~~

1 ~~than to the unit or units of local government in relation to~~
 2 ~~which the person is required to file) to each entity from which~~
 3 ~~income exceeding \$5,000 was received for professional services~~
 4 ~~rendered during the preceding calendar year by the person~~
 5 ~~making the statement.~~

6
 7

8 ~~4. List the identity (including the address or legal~~
 9 ~~description of real estate) of any capital asset from which a~~
 10 ~~capital gain of \$5,000 or more was realized during the~~
 11 ~~preceding calendar year.~~

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15 ~~5. List the name of any entity and the nature of the~~
 16 ~~governmental action requested by any entity which has applied~~
 17 ~~to a unit of local government in relation to which the person~~
 18 ~~must file for any license, franchise or permit for annexation,~~
 19 ~~zoning or rezoning of real estate during the preceding calendar~~
 20 ~~year if the ownership interest of the person filing is in~~
 21 ~~excess of \$5,000 fair market value at the time of filing or if~~
 22 ~~income or dividends in excess of \$1200 were received by the~~
 23 ~~person filing from the entity during the preceding calendar~~
 24 ~~year.~~

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28 ~~6. List the name of any entity doing business with a unit~~
 29 ~~of local government in relation to which the person is required~~
 30 ~~to file from which income in excess of \$1,200 was derived~~
 31 ~~during the preceding calendar year other than for professional~~
 32 ~~services and the title or description of any position held in~~
 33 ~~that entity. No time or demand deposit in a financial~~
 34 ~~institution nor any debt instrument need be listed.~~

1
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3 ~~7. List the name of any unit of government which employed~~
4 ~~the person making the statement during the preceding calendar~~
5 ~~year other than the unit or units of government in relation to~~
6 ~~which the person is required to file.~~

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8
.....

9 ~~8. List the name of any entity from which a gift or gifts,~~
10 ~~or honorarium or honoraria, valued singly or in the aggregate~~
11 ~~in excess of \$500, was received during the preceding calendar~~
12 ~~year.~~

13
.....

14 VERIFICATION:

15 ~~"I declare that this statement of economic interests~~
16 ~~(including any accompanying schedules and statements) has been~~
17 ~~examined by me and to the best of my knowledge and belief is a~~
18 ~~true, correct and complete statement of my economic interests~~
19 ~~as required by the Illinois Governmental Ethics Act. I~~
20 ~~understand that the penalty for willfully filing a false or~~
21 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~
22 ~~imprisonment in a penal institution other than the penitentiary~~
23 ~~not to exceed one year, or both fine and imprisonment."~~

24
.....

25 ~~(date of filing) — (signature of person making the statement)~~

26 (Source: P.A. 92-101, eff. 1-1-02.)

27 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

28 Sec. 4A-106. The statements of economic interests required
29 of persons listed in items (a) through (f), item (j), and item
30 (l) of Section 4A-101 shall be filed with the Secretary of
31 State. The statements of economic interests required of persons
32 listed in items (g), (h), (i), and (k) of Section 4A-101 shall
33 be filed with the county clerk of the county in which the

1 principal office of the unit of local government with which the
2 person is associated is located. If it is not apparent which
3 county the principal office of a unit of local government is
4 located, the chief administrative officer, or his or her
5 designee, has the authority, for purposes of this Act, to
6 determine the county in which the principal office is located.
7 On or before February 1 annually, (1) the chief administrative
8 officer of any State agency in the executive, legislative, or
9 judicial branch employing persons required to file under item
10 (f) or item (l) of Section 4A-101 shall certify to the
11 Secretary of State the names and mailing addresses of those
12 persons, and (2) the chief administrative officer, or his or
13 her designee, of each unit of local government with persons
14 described in items (h), (i) and (k) of Section 4A-101 shall
15 certify to the appropriate county clerk a list of names and
16 addresses of persons described in items (h), (i) and (k) of
17 Section 4A-101 that are required to file. In preparing the
18 lists, each chief administrative officer, or his or her
19 designee, shall set out the names in alphabetical order.

20 On or before April 1 annually, the Secretary of State shall
21 notify (1) all persons whose names have been certified to him
22 under items (f) and (l) of Section 4A-101, and (2) all persons
23 described in items (a) through (e) and item (j) of Section
24 4A-101, other than candidates for office who have filed their
25 statements with their nominating petitions, of the
26 requirements for filing statements of economic interests. A
27 person required to file with the Secretary of State by virtue
28 of more than one item among items (a) through (f) and items (j)
29 and (l) shall be notified of and is required to file only one
30 statement of economic interests relating to all items under
31 which the person is required to file with the Secretary of
32 State.

33 On or before April 1 annually, the county clerk of each
34 county shall notify all persons whose names have been certified

1 to him under items (g), (h), (i), and (k) of Section 4A-101,
2 other than candidates for office who have filed their
3 statements with their nominating petitions, of the
4 requirements for filing statements of economic interests. A
5 person required to file with a county clerk by virtue of more
6 than one item among items (g), (h), (i), and (k) shall be
7 notified of and is required to file only one statement of
8 economic interests relating to all items under which the person
9 is required to file with that county clerk.

10 Except as provided in Section 4A-106.1, the notices
11 provided for in this Section shall be in writing and deposited
12 in the U.S. Mail, properly addressed, first class postage
13 prepaid, on or before the day required by this Section for the
14 sending of the notice. A certificate executed by the Secretary
15 of State or county clerk attesting that he has mailed the
16 notice constitutes prima facie evidence thereof.

17 From the lists certified to him under this Section of
18 persons described in items (g), (h), (i), and (k) of Section
19 4A-101, the clerk of each county shall compile an alphabetical
20 listing of persons required to file statements of economic
21 interests in his office under any of those items. As the
22 statements are filed in his office, the county clerk shall
23 cause the fact of that filing to be indicated on the
24 alphabetical listing of persons who are required to file
25 statements. Within 30 days after the due dates, the county
26 clerk shall mail to the State Board of Elections a true copy of
27 that listing showing those who have filed statements.

28 The county clerk of each county shall note upon the
29 alphabetical listing the names of all persons required to file
30 a statement of economic interests who failed to file a
31 statement on or before May 1. It shall be the duty of the
32 several county clerks to give notice as provided in Section
33 4A-105 to any person who has failed to file his or her
34 statement with the clerk on or before May 1.

1 Any person who files or has filed a statement of economic
2 interest under this Act is entitled to receive from the
3 Secretary of State or county clerk, as the case may be, a
4 receipt indicating that the person has filed such a statement,
5 the date of such filing, and the identity of the governmental
6 unit or units in relation to which the filing is required.

7 The Secretary of State may employ such employees and
8 consultants as he considers necessary to carry out his duties
9 hereunder, and may prescribe their duties, fix their
10 compensation, and provide for reimbursement of their expenses.

11 All statements of economic interests filed under this
12 Section shall be available for examination and copying by the
13 public at all reasonable times. Not later than 12 months after
14 the effective date of this amendatory Act of the 93rd General
15 Assembly, beginning with statements filed in calendar year
16 2004, the Secretary of State shall make statements of economic
17 interests filed with the Secretary available for inspection and
18 copying via the Secretary's website. ~~Each person examining a
19 statement filed with the county clerk must first fill out a
20 form prepared by the Secretary of State identifying the
21 examiner by name, occupation, address and telephone number, and
22 listing the date of examination and reason for such
23 examination. The Secretary of State shall supply such forms to
24 the county clerks annually and replenish such forms upon
25 request.~~

26 ~~The county clerk shall promptly notify each person required
27 to file a statement under this Article of each instance of an
28 examination of his statement by sending him a duplicate
29 original of the identification form filled out by the person
30 examining his statement.~~

31 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

32 Section 10. The State Officials and Employees Ethics Act is
33 amended by changing Sections 20-15 and 50-5 and by adding

1 Sections 5-47 and 5-60 as follows:

2 (5 ILCS 430/5-47 new)

3 Sec. 5-47. Lobbying; revolving door.

4 (a) No executive branch State employee may accept
5 compensation or other employment as a lobbyist representing
6 clients before any State agency for which the employee worked
7 for one year from the date the employee left that agency.

8 (b) No employee of the General Assembly may accept
9 compensation or other employment as a lobbyist representing
10 clients before the General Assembly for one year from the date
11 the employee left the General Assembly.

12 (5 ILCS 430/5-60 new)

13 Sec. 5-60. Conflicts of interest.

14 (a) It is unlawful and a violation of this Act for any
15 officer, member, or State employee, including his or her spouse
16 or any immediate family member, to earn income from lobbying or
17 receive compensation from any entity that lobbies the General
18 Assembly, any executive branch constitutional office or
19 agency, or any State regulatory board.

20 (b) It is unlawful and a violation of this Act for any
21 officer, member, or State employee, including his or her spouse
22 or any immediate family member, to serve on a State board or
23 commission for which he or she receives compensation that is in
24 addition to any reimbursement of expenses or per diem
25 allowance.

26 (c) It is unlawful and a violation of this Act for any
27 officer, member, or State employee to vote or make an official
28 decision if the person, including his or her spouse or any
29 immediate family member, has a direct pecuniary interest in the
30 vote or decision.

31 (d) It is unlawful for an officer of any State political
32 committee, as defined in the Election Code, to have an interest

1 in any distributable income from a contract paid by State
2 funds, to earn income from lobbying or receive compensation
3 from any entity that lobbies the General Assembly, any
4 executive branch constitutional office or agency, or any State
5 regulatory board, or to participate in or have a pecuniary
6 interest in decisions regarding grants or investments
7 involving State funds.

8 (e) For purposes of this Section, a "State regulatory
9 board" means any State board, commission, or authority
10 authorized or created by State law that primarily exercises
11 regulatory or licensing authority over Illinois industries or
12 professional occupations, including the following entities:

13 (1) The Illinois Commerce Commission.

14 (2) The Comprehensive Health Insurance Plan.

15 (3) The Dentistry Board.

16 (4) The Gaming Board.

17 (5) The Racing Board.

18 (6) The Health Facilities Planning Board.

19 (7) The Hospital Licensing Board.

20 (8) The Illinois Liquor Control Commission.

21 (9) The Lottery Control Board.

22 (10) The Medical Licensing Board.

23 (11) The State Mining Board.

24 (12) The State Board of Pharmacy.

25 (13) The Pollution Control Board.

26 (14) The Real Estate Administration and Disciplinary
27 Board.

28 (f) For purposes of this Section, a State regulatory board
29 does not include any State board, commission, or authority
30 authorized or created by State law that primarily exercises
31 adjudicatory authority over Illinois interests or is an entity
32 that does not make binding recommendations or determinations.
33 Nothing in this Section shall serve to prohibit a licensed
34 attorney from providing legal representation to a client in any

1 pending matter before an executive branch constitutional
2 office or agency or before a State board or commission.

3 (g) For the purpose of this Section, "immediate family
4 member" is defined as in Section 4A-100 of the Illinois
5 Governmental Ethics Act.

6 (5 ILCS 430/20-15)

7 Sec. 20-15. Duties of the Executive Ethics Commission. In
8 addition to duties otherwise assigned by law, the Executive
9 Ethics Commission shall have the following duties:

10 (1) To promulgate rules governing the performance of
11 its duties and the exercise of its powers and governing the
12 investigations of the Executive Inspectors General. It is
13 declared to be in the public interest, safety, and welfare
14 that the Commission adopt emergency rules under the
15 Illinois Administrative Procedure Act to initially perform
16 its duties under this subsection.

17 (2) To conduct administrative hearings and rule on
18 matters brought before the Commission only upon the receipt
19 of pleadings filed by an Executive Inspector General and
20 not upon its own prerogative, but may appoint special
21 Executive Inspectors General as provided in Section 20-21.
22 Any other allegations of misconduct received by the
23 Commission from a person other than an Executive Inspector
24 General shall be referred to the Office of the appropriate
25 Executive Inspector General.

26 (3) To prepare and publish manuals and guides and,
27 working with the Office of the Attorney General, oversee
28 training of employees under its jurisdiction that explains
29 their duties.

30 (4) To prepare public information materials to
31 facilitate compliance, implementation, and enforcement of
32 this Act.

33 (5) To submit reports as required by this Act.

1 (6) To the extent authorized by this Act, to make
2 rulings, issue recommendations, and impose administrative
3 fines, if appropriate, in connection with the
4 implementation and interpretation of this Act and the
5 Lobbyist Registration Act. The powers and duties of the
6 Commission are limited to matters clearly within the
7 purview of this Act and the Lobbyist Registration Act.

8 (7) To issue subpoenas with respect to matters pending
9 before the Commission, subject to the provisions of this
10 Article and in the discretion of the Commission, to compel
11 the attendance of witnesses for purposes of testimony and
12 the production of documents and other items for inspection
13 and copying.

14 (8) To appoint special Executive Inspectors General as
15 provided in Section 20-21.

16 (Source: P.A. 93-617, eff. 12-9-03.)

17 (5 ILCS 430/50-5)

18 Sec. 50-5. Penalties.

19 (a) A person is guilty of a Class A misdemeanor if that
20 person intentionally violates any provision of Section 5-15,
21 5-30, 5-40, ~~or~~ 5-45, 5-47, 5-60 or Article 15.

22 (b) A person who intentionally violates any provision of
23 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
24 offense subject to a fine of at least \$1,001 and up to \$5,000.

25 (c) A person who intentionally violates any provision of
26 Article 10 is guilty of a business offense and subject to a
27 fine of at least \$1,001 and up to \$5,000.

28 (d) Any person who intentionally makes a false report
29 alleging a violation of any provision of this Act to an ethics
30 commission, an inspector general, the State Police, a State's
31 Attorney, the Attorney General, or any other law enforcement
32 official is guilty of a Class A misdemeanor.

33 (e) An ethics commission may levy an administrative fine of

1 up to \$5,000 against any person who violates this Act, who
2 intentionally obstructs or interferes with an investigation
3 conducted under this Act by an inspector general, or who
4 intentionally makes a false, frivolous, or bad faith
5 allegation.

6 (f) In addition to any other penalty that may apply,
7 whether criminal or civil, a State employee who intentionally
8 violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40,
9 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is
10 subject to discipline or discharge by the appropriate ultimate
11 jurisdictional authority.

12 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

13 Section 15. The Election Code is amended by changing
14 Section 9-10 and by adding Article heading 9A, Sections 9A-5,
15 9A-10, 9A-15, 9A-20, 9A-25, and 9A-30, Article heading 12A, and
16 Sections 12A-2, 12A-5, 12A-10, 12A-15, 12A-20, 12A-25, 12A-30,
17 12A-35, 12A-40, 12A-45, 12A-50, and 12A-55 as follows:

18 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

19 Sec. 9-10. Financial reports.

20 (a) The treasurer of every state political committee and
21 the treasurer of every local political committee shall file
22 with the Board, and the treasurer of every local political
23 committee shall file with the county clerk, reports of campaign
24 contributions, ~~and quarterly semi-annual~~ reports of campaign
25 contributions and expenditures on forms to be prescribed or
26 approved by the Board. The treasurer of every political
27 committee that acts as both a state political committee and a
28 local political committee shall file a copy of each report with
29 the State Board of Elections and the county clerk. Entities
30 subject to Section 9-7.5 shall file reports required by that
31 Section at times provided in this Section and are subject to
32 the penalties provided in this Section.

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

25 (b-5) Notwithstanding the provisions of subsection (b) and
26 Section 1.25 of the Statute on Statutes, any contribution of
27 more than \$500 received in the interim between the last date of
28 the period covered by the last report filed under subsection
29 (b) prior to the election and the date of the election shall be
30 filed with and must actually be received by the State Board of
31 Elections within 2 business days after receipt of such
32 contribution. The State Board shall allow filings of reports of
33 contributions of more than \$500 under this subsection (b-5) by
34 political committees that are not required to file

1 electronically to be made by facsimile transmission. For the
2 purpose of this subsection, a contribution is considered
3 received on the date the public official, candidate, or
4 political committee (or equivalent person in the case of a
5 reporting entity other than a political committee) actually
6 receives it or, in the case of goods or services, 2 business
7 days after the date the public official, candidate, committee,
8 or other reporting entity receives the certification required
9 under subsection (b) of Section 9-6. Failure to report each
10 contribution is a separate violation of this subsection. In the
11 final disposition of any matter by the Board on or after the
12 effective date of this amendatory Act of the 93rd General
13 Assembly, the Board may impose fines for violations of this
14 subsection not to exceed 100% of the total amount of the
15 contributions that were untimely reported, but in no case when
16 a fine is imposed shall it be less than 10% of the total amount
17 of the contributions that were untimely reported. When
18 considering the amount of the fine to be imposed, the Board
19 shall consider, but is not limited to, the following factors:

20 (1) whether in the Board's opinion the violation was
21 committed inadvertently, negligently, knowingly, or
22 intentionally;

23 (2) the number of days the contribution was reported
24 late; and

25 (3) past violations of Sections 9-3 and 9-10 of this
26 Article by the committee.

27 (c) In addition to such reports the treasurer of every
28 political committee shall file quarterly ~~semi-annual~~ reports
29 of campaign contributions and expenditures no later than April
30 30, covering the period from January 1 through March 31
31 immediately preceding; no later than July 31 ~~31st~~, covering
32 the period from April 1 ~~January 1st~~ through June 30 ~~30th~~
33 immediately preceding; no later than October 31, covering the
34 period from July 1 through September 30 immediately preceding;

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

17 (c-5) A political committee that acts as either (i) a State
18 and local political committee or (ii) a local political
19 committee and that files reports electronically under Section
20 9-28 is not required to file copies of the reports with the
21 appropriate county clerk if the county clerk has a system that
22 permits access to, and duplication of, reports that are filed
23 with the State Board of Elections. A State and local political
24 committee or a local political committee shall file with the
25 county clerk a copy of its statement of organization pursuant
26 to Section 9-3.

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

30 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;
31 revised 12-17-03.)

32 (10 ILCS 5/Art. 9A heading new)

33 ARTICLE 9A.

1 CAMPAIGN CONTRIBUTION PROHIBITIONS AND LIMITS

2 (10 ILCS 5/9A-5 new)

3 Sec. 9A-5. Definitions. As used in this Article:

4 (1) "Election" means:

5 (A) "Election", "regular election", "special
6 election", and "general election" as those terms are
7 defined in Section 1-3, but only as applied to
8 elections for executive branch constitutional officers
9 and members of the General Assembly.

10 (B) A convention or caucus of a political party
11 that has authority to nominate a candidate.

12 (2) "Candidate" means any person who seeks nomination
13 for election, election to, or retention in public office as
14 an executive branch constitutional officer or as a member
15 of the General Assembly, whether or not the person is
16 elected. A person seeks nomination for election, election,
17 or retention if he or she (i) takes the action necessary
18 under the laws of this State to attempt to qualify for
19 nomination for election to, election to, or retention in
20 public office as an executive branch constitutional
21 officer or as a member of the General Assembly or (ii)
22 receives contributions or makes expenditures, or gives
23 consent for any other person to receive contributions or
24 make expenditures with a view to bringing about his or her
25 nomination for election to, election to, or retention in
26 public office as an executive branch constitutional
27 officer or as a member of the General Assembly.

28 (3) "Political committee" means any of the following:

29 (A) Any committee, club, association, or other
30 group of persons that receives contributions
31 aggregating in excess of \$1,000 during a calendar year
32 or that makes expenditures aggregating in excess of
33 \$1,000 during a calendar year.

1 (B) Any separate segregated fund established under
2 the provisions of this Article by a labor union or
3 corporation.

4 (C) Any local committee of a political party that
5 receives contributions aggregating in excess of \$5,000
6 during a calendar year, makes payments exempted from
7 the definition of contribution or expenditure
8 aggregating in excess of \$5,000 during a calendar year,
9 makes contributions aggregating in excess of \$1,000
10 during a calendar year, or makes expenditures
11 aggregating in excess of \$1,000 during a calendar year.

12 (4) "Principal campaign committee" means a political
13 committee designated and authorized by a candidate under
14 Section 9A-15.

15 (5) "Authorized committee" means the principal
16 campaign committee or any other political committee
17 authorized by a candidate under Section 9A-15 to receive
18 contributions or make expenditures on behalf of the
19 candidate.

20 (6) "Connected organization" means any organization
21 that is not a political committee but that directly or
22 indirectly establishes, administers, or financially
23 supports a political committee.

24 (7) Contribution.

25 (A) "Contribution" includes:

26 (i) Any gift, subscription, loan, advance, or
27 deposit of money or anything of value made by any
28 person for the purpose of influencing any election
29 for executive branch constitutional office.

30 (ii) The payment by any person of compensation
31 for the personal services of another person that
32 are rendered to a political committee without
33 charge for any purpose.

34 (iii) A transfer of funds between political

1 committees for any purpose.

2 (B) "Contribution" does not include:

3 (i) The value of services provided without
4 compensation by any individual who volunteers on
5 behalf of a candidate or political committee.

6 (ii) The use of real or personal property,
7 including a church or community room used on a
8 regular basis by members of a community for
9 noncommercial purposes, and the cost of
10 invitations, food, and beverages, voluntarily
11 provided by an individual to any candidate or any
12 political committee of a political party in
13 rendering voluntary personal services on the
14 individual's residential premises or in the church
15 or community room for candidate-related or
16 political party-related activities, to the extent
17 that the cumulative value of the invitations,
18 food, and beverages provided by the individual on
19 behalf of any single candidate does not exceed
20 \$2,000 with respect to any single election, and on
21 behalf of all political committees of a political
22 party does not exceed \$5,000 in any calendar year.

23 (iii) The sale of any food or beverage by a
24 vendor for use in any candidate's campaign or for
25 use by or on behalf of any political committee of a
26 political party at a charge less than the normal
27 comparable charge, if the charge is at least equal
28 to the cost of the food or beverage to the vendor,
29 to the extent that the cumulative value of the
30 activity by the vendor on behalf of any single
31 candidate does not exceed \$2,000 with respect to
32 any single election, and on behalf of all political
33 committees of a political party does not exceed
34 \$5,000 in any calendar year.

1 (iv) Any unreimbursed payment for travel
2 expenses made by any individual volunteering
3 personal services on behalf of any candidate or any
4 political committee of a political party.

5 (8) Expenditure.

6 (A) "Expenditure" includes:

7 (i) Any purchase, payment, distribution, loan,
8 advance, deposit, or gift of money or anything of
9 value made by any person for the purpose of
10 influencing any election of a State executive
11 branch constitutional officer or member of the
12 General Assembly.

13 (ii) A written contract, promise, or agreement
14 to make an expenditure.

15 (B) "Expenditure" does not include:

16 (i) Any news story, commentary, or editorial
17 distributed through the facilities of any
18 broadcasting station, newspaper, magazine, or
19 other periodical publication, unless the
20 facilities are owned or controlled by any
21 political party, political committee, or
22 candidate.

23 (ii) Nonpartisan activity designed to
24 encourage individuals to vote or to register to
25 vote.

26 (iii) The use of real or personal property and
27 the cost of invitations, food, and beverages,
28 voluntarily provided by an individual in rendering
29 voluntary personal services on the individual's
30 residential premises for candidate-related
31 activities; provided the value of the service
32 provided does not exceed an aggregate of \$150 in a
33 reporting period.

34 (iv) The sale of any food or beverage by a

1 vendor for use in a candidate's campaign at a
2 charge less than the normal comparable charge, if
3 the charge for use in a candidate's campaign is at
4 least equal to the cost of the food or beverage to
5 the vendor.

6 (9) "Board" means the Illinois State Board of
7 Elections.

8 (10) "Person" includes an individual, trust,
9 partnership, committee, association, corporation, labor
10 organization, or any other organization or group of
11 persons.

12 (11) "Identification" means:

13 (A) In the case of any individual, the name, the
14 mailing address, and the occupation of the individual,
15 as well as the name of his or her employer.

16 (B) In the case of any other person, the full name
17 and address of the person.

18 (12) "State committee" means the organization that, by
19 virtue of the bylaws of a political party, is responsible
20 for the day-to-day operation of the political party at the
21 State level, as determined by the Board.

22 (13) "Political party" means an association,
23 committee, or organization that nominates a candidate for
24 election to any public office whose name appears on the
25 election ballot as the candidate of that association,
26 committee, or organization.

27 (14) "Independent expenditure" means an expenditure by
28 a person:

29 (A) Expressly advocating the election or defeat of
30 a clearly identified candidate; and

31 (B) That is not made in concert or cooperation with
32 or at the request or suggestion of the candidate, the
33 candidate's authorized political committee, agents, a
34 political party committee, or agents thereof.

1 (15) "Clearly identified" means that:

2 (A) The name of the candidate involved appears;

3 (B) A photograph or drawing of the candidate
4 appears; or

5 (C) The identity of the candidate is apparent by
6 unambiguous reference.

7 (16) "Election cycle" means the period beginning on the
8 day after the date of the most recent election for the
9 specific office or seat that a candidate is seeking and
10 ending on the date of the next election for that office or
11 seat. For purposes of this paragraph, a general primary
12 election and a general election shall be considered to be
13 separate elections.

14 (17) "Personal funds" means an amount that is derived
15 from:

16 (A) Any asset that, under applicable State law, at
17 the time the individual became a candidate, the
18 candidate had legal right of access to or control over,
19 and with respect to which the candidate had:

20 (i) Legal and rightful title; or

21 (ii) An equitable interest.

22 (B) Income received during the current election
23 cycle by the candidate, including:

24 (i) A salary and other earned income from bona
25 fide employment.

26 (ii) Dividends and proceeds from the sale of
27 the candidate's stocks or other investments.

28 (iii) Bequests to the candidate.

29 (iv) Income from trusts established before the
30 beginning of the election cycle.

31 (v) Income from trusts established by bequest
32 after the beginning of the election cycle of which
33 the candidate is the beneficiary.

34 (vi) Gifts of a personal nature that had been

1 customarily received by the candidate prior to the
2 beginning of the election cycle.

3 (vii) Proceeds from lotteries and similar
4 legal games of chance.

5 (C) A portion of assets that are jointly owned by
6 the candidate and the candidate's spouse equal to the
7 candidate's share of the asset under the instrument of
8 conveyance or ownership, but if no specific share is
9 indicated by an instrument of conveyance or ownership,
10 the value of one-half of the property.

11 (10 ILCS 5/9A-10 new)

12 Sec. 9A-10. Designated political committees.

13 (a) Designation of committee.

14 (1) Each candidate shall designate in writing a
15 political committee in accordance with paragraph (3) to
16 serve as the principal campaign committee of the candidate.
17 The designation shall be made no later than 15 days after
18 becoming a candidate. A candidate may designate additional
19 political committees in accordance with paragraph (3) to
20 serve as authorized committees of the candidate. The
21 designation shall be in writing and filed with the
22 principal campaign committee of the candidate.

23 (2) Any candidate described in paragraph (1) who
24 receives a contribution, or any loan for use in connection
25 with the campaign of the candidate for election, or makes a
26 disbursement in connection with the campaign shall be
27 considered, for purposes of this Article, as having
28 received the contribution or loan, or as having made the
29 disbursement, as the case may be, as an agent of the
30 authorized committee or committees of the candidate.

31 (3) Multicandidate committee.

32 (A) No political committee that supports or has
33 supported more than one candidate may be designated as

1 an authorized committee, except that:

2 (i) A candidate for statewide elected office
3 nominated by a political party may designate the
4 State committee of the political party as a
5 principal campaign committee, but only if that
6 State committee maintains separate books of
7 account with respect to its function as a principal
8 campaign committee.

9 (ii) Candidates may designate a political
10 committee established solely for the purpose of
11 joint fundraising by the candidates as an
12 authorized committee.

13 (4) The name of each authorized committee shall include
14 the name of the candidate who authorized the committee
15 under paragraph (1). In the case of any political committee
16 that is not an authorized committee, the political
17 committee shall not include the name of any candidate in
18 its name.

19 (5) The name of any separate segregated fund
20 established shall include the name of its connected
21 organization.

22 (b) Filings.

23 (1) Notwithstanding any other provision of this
24 Article, each designation, statement, or report of
25 receipts or disbursements made by an authorized committee
26 of a candidate shall be filed with the candidate's
27 principal campaign committee.

28 (2) Each principal campaign committee shall receive
29 all designations, statements, and reports required to be
30 filed with it under paragraph (1) and shall compile and
31 file those designations, statements, and reports in
32 accordance with this Article.

33 (c) All designations, statements, and reports required to
34 be filed under this Article shall be filed with the Board. The

1 Board shall make the designations, statements, and reports
2 received under this subsection available for public inspection
3 and copying and shall preserve the designations, statements,
4 and reports.

5 (d) Each political committee shall designate one or more
6 State banks, federally chartered depository institutions, or
7 depository institutions the deposits or accounts of which are
8 insured by the Federal Deposit Insurance Corporation, the
9 Federal Savings and Loan Insurance Corporation, or the National
10 Credit Union Administration as its campaign depository or
11 depositories. Each political committee shall maintain at least
12 one checking account and other accounts as the committee
13 determines at a depository designated by the committee. All
14 receipts received by the committee shall be deposited in the
15 accounts. No disbursements may be made (other than petty cash
16 disbursements in this subsection) by the committee except by
17 check drawn on the accounts in accordance with this Section.

18 A political committee may maintain a petty cash fund for
19 disbursements not in excess of \$100 to any person in connection
20 with a single purchase or transaction. A record of all petty
21 cash disbursements shall be maintained in accordance with
22 Article 9.

23 (e) When the treasurer of a political committee shows that
24 best efforts have been used to obtain, maintain, and submit the
25 information required by this Article for the political
26 committee, any report or any records of the committee shall be
27 considered in compliance with this Article.

28 (10 ILCS 5/9A-15 new)

29 Sec. 9A-15. Limitations on contributions and expenditures.

30 (a) Limits.

31 (1) Except as provided in subsection (c), no person
32 other than a multicandidate political committee shall make
33 contributions:

1 (A) To any candidate and his or her authorized
2 political committees with respect to any election for
3 State office that, in the aggregate, exceed \$2,000.

4 (B) To the political committees established and
5 maintained by a State political party, that are not the
6 authorized political committees of any candidate, in
7 any election that, in the aggregate, exceed \$5,000.

8 (C) To any other political committee in any
9 election that, in the aggregate, exceed \$5,000.

10 (2) No multicandidate political committee shall make
11 contributions:

12 (A) To any candidate and his or her authorized
13 political committees with respect to any election for
14 State office that, in the aggregate, exceed \$5,000.

15 (B) To the political committees established and
16 maintained by a State political party, that are not the
17 authorized political committees of any candidate, in
18 any election, that, in the aggregate, exceed \$5,000.

19 (C) To any other political committee in any
20 election that, in the aggregate, exceed \$5,000.

21 (3) During the period that begins on January 1 of an
22 odd-numbered year and ends on December 31 of the next
23 even-numbered year, no individual may make contributions
24 aggregating more than \$40,000, in the case of contributions
25 to candidates and the authorized committees of candidates.

26 (4) For purposes of paragraph (2), the term
27 "multicandidate political committee" means a political
28 committee that has been registered for a period of not less
29 than 6 months, that has received contributions from more
30 than 50 persons, and that has made contributions to 5 or
31 more candidates for public office. The State political
32 parties shall be considered "multicandidate political
33 committees" for the purposes of paragraph (2).

34 (5) For purposes of the limitations provided by

1 paragraph (1) and paragraph (2), all contributions made by
2 political committees established, financed, maintained, or
3 controlled by any corporation, labor organization, or any
4 other person, including any parent, subsidiary, branch,
5 division, department, or local unit of the corporation,
6 labor organization, or any other person, or by any group of
7 such persons, shall be considered to have been made by a
8 single political committee, except that:

9 (A) Nothing in this sentence shall limit transfers
10 between political committees of funds raised through
11 joint fund raising efforts.

12 (B) For purposes of the limitations provided by
13 paragraph (1) and paragraph (2), all contributions
14 made by a single political committee established,
15 financed, maintained, or controlled by a national
16 committee of a political party and by a single
17 political committee established, financed, maintained,
18 or controlled by the State committee of a political
19 party shall not be considered to have been made by a
20 single political committee.

21 (C) Nothing in this Section shall limit the
22 transfer of funds between the principal campaign
23 committee of a candidate seeking nomination or
24 election to one State office and the principal campaign
25 committee of that candidate for nomination or election
26 to another State office if:

27 (i) The transfer is not made when the candidate
28 is actively seeking nomination or election to both
29 offices.

30 (ii) The limitations contained in this Article
31 on contributions by persons are not exceeded by the
32 transfer.

33 In any case in which a corporation and any of its
34 subsidiaries, branches, divisions, departments, or local

1 units, or a labor organization and any of its subsidiaries,
2 branches, divisions, departments, or local units
3 establish, finance, maintain, or control more than one
4 separate segregated fund, all the separate segregated
5 funds shall be treated as a single separate segregated fund
6 for purposes of the limitations provided by paragraph (1)
7 and paragraph (2).

8 (6) For the purposes of the limitations provided by
9 paragraph (1) and paragraph (2), a candidate's authorized
10 political committee and any committee directly or
11 indirectly established, financed, maintained, or
12 controlled by that candidate shall be considered to be a
13 single political committee.

14 (7) The limitations on contributions to a candidate
15 imposed by paragraphs (1) and (2) of this subsection shall
16 apply separately with respect to each election.

17 (8) For purposes of this subsection:

18 (A) Contributions to a named candidate made to any
19 political committee authorized by the candidate to
20 accept contributions on his or her behalf shall be
21 considered to be contributions made to the candidate.

22 (B) Expenditures.

23 (i) Expenditures made by any person in
24 cooperation, consultation, or concert with, or at
25 the request or suggestion of, a candidate, his or
26 her authorized political committees, or their
27 agents, shall be considered to be a contribution to
28 the candidate.

29 (ii) Expenditures made by any person (other
30 than a candidate or candidate's authorized
31 committee) in cooperation, consultation, or
32 concert with, or at the request or suggestion of, a
33 national, State, or local committee of a political
34 party, shall be considered to be contributions

1 made to the party committee.

2 (iii) The financing by any person of the
3 dissemination, distribution, or republication, in
4 whole or in part, of any broadcast or any written,
5 graphic, or other form of campaign materials
6 prepared by the candidate, his or her campaign
7 committees, or their authorized agents shall be
8 considered to be an expenditure for purposes of
9 this paragraph.

10 (C) If any person makes or contracts to make any
11 disbursement for any electioneering communication and
12 if the disbursement is coordinated with a candidate or
13 an authorized committee of the candidate, a Federal,
14 State, or local political party or committee thereof,
15 or an agent or official of the candidate, party, or
16 committee, then the disbursement or contracting shall
17 be treated as a contribution to the candidate supported
18 by the electioneering communication or that
19 candidate's party and as an expenditure by that
20 candidate or that candidate's party.

21 (9) For purposes of the limitations imposed by this
22 Section, all contributions made by a person, either
23 directly or indirectly, on behalf of a particular
24 candidate, including contributions that are in any way
25 earmarked or otherwise directed through an intermediary or
26 conduit to the candidate, shall be treated as contributions
27 from the person to the candidate. The intermediary or
28 conduit shall report the original source and the intended
29 recipient of the contribution to the Board and to the
30 intended recipient.

31 (b) No candidate or political committee shall knowingly
32 accept any contribution or make any expenditure in violation of
33 the provisions of this Section. No officer or employee of a
34 political committee shall knowingly accept a contribution made

1 for the benefit or use of a candidate or knowingly make any
2 expenditure on behalf of a candidate in violation of any
3 limitation imposed on contributions and expenditures under
4 this Section.

5 (c) Personal funds.

6 (1) Increase.

7 (A) Subject to paragraph (2), if the opposition
8 personal funds amount with respect to a candidate for
9 election to executive branch constitutional office or
10 the General Assembly exceeds the threshold amount, the
11 limit under subsection (a)(1)(A) (in this subsection
12 referred to as the "applicable limit") with respect to
13 that candidate shall be the increased limit.

14 (B) Threshold amount.

15 (i) In this subsection, the threshold amount
16 with respect to an election cycle of a candidate
17 described in subparagraph (A) is an amount equal to
18 the sum of:

19 (I) \$150,000; and

20 (II) \$0.04 multiplied by the voting age
21 population.

22 (ii) In this subparagraph, the term "voting
23 age population" means that certified under 2 USCS
24 441a Section (e) for the State of Illinois and
25 published in the Federal Register.

26 (C) Except as provided in clause (ii), for purposes
27 of subparagraph (A), if the opposition personal funds
28 amount is over:

29 (i) 2 times the threshold amount, but not over
30 4 times that amount, then the increased limit shall
31 be 3 times the applicable limit.

32 (ii) 4 times the threshold amount, but not over
33 10 times that amount, then the increased limit
34 shall be 6 times the applicable limit.

1 (iii) 10 times the threshold amount, then the
2 increased limit shall be 6 times the applicable
3 limit.

4 (D) The opposition personal funds amount is an
5 amount equal to the excess (if any) of:

6 (i) The greatest aggregate amount of
7 expenditures from personal funds that an opposing
8 candidate in the same election makes; over

9 (ii) The aggregate amount of expenditures from
10 personal funds made by the candidate with respect
11 to the election.

12 (E) Candidate's campaign funds.

13 (i) For purposes of determining the aggregate
14 amount of expenditures from personal funds under
15 subparagraph (D) (ii), the amount shall include the
16 gross receipts advantage of the candidate's
17 authorized committee.

18 (ii) For purposes of clause (i), the term
19 "gross receipts advantage" means the excess, if
20 any, of:

21 (I) The aggregate amount of 50% of gross
22 receipts of a candidate's authorized committee
23 during any election cycle (not including
24 contributions from personal funds of the
25 candidate) that may be expended in connection
26 with the election, as determined on June 30 and
27 December 31 of the year preceding the year in
28 which a general election is held, over

29 (II) The aggregate amount of 50% of gross
30 receipts of the opposing candidate's
31 authorized committee during any election cycle
32 (not including contributions from personal
33 funds of the candidate) that may be expended in
34 connection with the election, as determined on

1 June 30 and December 31 of the year preceding
2 the year in which a general election is held.

3 (2) Time to accept contributions under increased
4 limit.

5 (A) Subject to subparagraph (B), a candidate and
6 the candidate's authorized committee shall not accept
7 any contribution, and a party committee shall not make
8 any expenditure, under the increased limit under
9 paragraph (1):

10 (i) Until the candidate has received
11 notification of the opposition personal funds
12 amount; and

13 (ii) To the extent that the contribution, when
14 added to the aggregate amount of contributions
15 previously accepted and party expenditures
16 previously made under the increased limits under
17 this subsection for the election cycle, exceeds
18 110% of the opposition personal funds amount.

19 (B) A candidate and a candidate's authorized
20 committee shall not accept any contribution and a party
21 shall not make any expenditure under the increased
22 limit after the date on which an opposing candidate
23 ceases to be a candidate to the extent that the amount
24 of the increased limit is attributable to such an
25 opposing candidate.

26 (3) Disposal of excess contributions.

27 (A) The aggregate amount of contributions accepted
28 by a candidate or a candidate's authorized committee
29 under the increased limit under paragraph (1) and not
30 otherwise expended in connection with the election
31 with respect to which the contributions relate shall,
32 not later than 50 days after the date of the election,
33 be used in the manner described in subparagraph (B).

34 (B) A candidate or a candidate's authorized

1 committee shall return the excess contribution to the
2 person who made the contribution.

3 (d) Any candidate who incurs personal loans made after the
4 effective date of this amendatory Act of the 94th General
5 Assembly in connection with the candidate's campaign for
6 election shall not repay (directly or indirectly), to the
7 extent the loans exceed \$250,000, the loans from any
8 contributions made to the candidate or any authorized committee
9 of the candidate after the date of the election.

10 (e) Each July 1, the dollar amounts established in this
11 Section shall be adjusted for inflation as determined by the
12 Consumer Price Index for All Urban Consumers as determined by
13 the United States Department of Labor and rounded to the
14 nearest \$100.

15 (10 ILCS 5/9A-20 new)

16 Sec. 9A-20. Contributions or expenditures by corporations
17 or labor organizations.

18 (a) It is unlawful for any corporation or labor
19 organization to make a contribution or expenditure in
20 connection with any election to any executive branch
21 constitutional office or to any seat in the General Assembly or
22 in connection with any primary election or political convention
23 or caucus held to select candidates for any executive branch
24 constitutional office or any seat in the General Assembly. It
25 is unlawful for any candidate, political committee, or other
26 person knowingly to accept or receive any contribution
27 prohibited by this Section. It is unlawful any officer or any
28 director of any corporation or any officer of any labor
29 organization to consent to any contribution or expenditure by
30 the corporation or labor organization, as the case may be,
31 prohibited by this Section.

32 (b) Definitions and additional prohibitions.

33 (1) For the purposes of this Section, the term "labor

1 organization" means any organization of any kind or any
2 agency or employee representation committee or plan in
3 which employees participate and that exists for the
4 purpose, in whole or in part, of dealing with employers
5 concerning grievances, labor disputes, wages, rates of
6 pay, hours of employment, or conditions of work.

7 (2) For purposes of this Section, the term
8 "contribution or expenditure" includes a contribution or
9 expenditure as those terms are defined in Section 9A-10 and
10 also includes any direct or indirect payment,
11 distribution, loan, advance, deposit, or gift of money, any
12 services, or anything of value (except a loan of money by a
13 national or State bank made in accordance with the
14 applicable banking laws and regulations and in the ordinary
15 course of business) to any candidate, campaign committee,
16 or political party or organization in connection with any
17 election to any of the offices referred to in this Section
18 or for any applicable electioneering communication. The
19 term shall not include:

20 (A) Communications by a corporation to its
21 stockholders and executive or administrative personnel
22 and their families or by a labor organization to its
23 members and their families on any subject.

24 (B) Nonpartisan registration and get-out-the-vote
25 campaigns by a corporation aimed at its stockholders
26 and executive or administrative personnel and their
27 families or by a labor organization aimed at its
28 members and their families.

29 (C) The establishment, administration, and
30 solicitation of contributions to a separate segregated
31 fund to be utilized for political purposes by a
32 corporation, labor organization, membership
33 organization, cooperative, or corporation without
34 capital stock.

1 (3) It is unlawful:

2 (A) For a fund described in paragraph (2)(C) to
3 make a contribution or expenditure by utilizing money
4 or anything of value secured by physical force, job
5 discrimination, or financial reprisals; by the threat
6 of force, job discrimination, or financial reprisal;
7 by dues, fees, or other moneys required as a condition
8 of membership in a labor organization or as a condition
9 of employment; or by moneys obtained in any commercial
10 transaction.

11 (B) For any person soliciting an employee for a
12 contribution to a fund described in paragraph (2)(C) to
13 fail to inform the employee of the political purposes
14 of the fund at the time of solicitation.

15 (C) For any person soliciting an employee for a
16 contribution to a fund described in paragraph (2)(C) to
17 fail to inform the employee, at the time of
18 solicitation, of his or her right to refuse to
19 contribute without any reprisal.

20 (4) Solicitations.

21 (A) Except as provided in subparagraphs (B), (C),
22 and (D), it is unlawful:

23 (i) For a corporation, or a separate
24 segregated fund established by a corporation, to
25 solicit contributions to the fund from any person
26 other than its stockholders and their families and
27 its executive or administrative personnel and
28 their families.

29 (ii) For a labor organization, or a separate
30 segregated fund established by a labor
31 organization, to solicit contributions to the fund
32 from any person other than its members and their
33 families.

34 (B) It is not unlawful under this Section for a

1 corporation, a labor organization, or a separate
2 segregated fund established by a corporation or labor
3 organization to make 2 written solicitations for
4 contributions during the calendar year from any
5 stockholder, executive or administrative personnel, or
6 employee of a corporation or the families of those
7 persons. A solicitation under this subparagraph may be
8 made only by mail addressed to stockholders, executive
9 or administrative personnel, or employees at their
10 residence and shall be so designed that the
11 corporation, labor organization, or separate
12 segregated fund conducting the solicitation cannot
13 determine who makes a contribution of \$50 or less as a
14 result of the solicitation and who does not make such a
15 contribution.

16 (C) This paragraph shall not prevent a membership
17 organization, cooperative, or corporation without
18 capital stock, or a separate segregated fund
19 established by a membership organization, cooperative,
20 or corporation without capital stock, from soliciting
21 contributions to the fund from members of the
22 organization, cooperative, or corporation without
23 capital stock.

24 (5) Notwithstanding any other law, any method of
25 soliciting voluntary contributions or of facilitating the
26 making of voluntary contributions to a separate segregated
27 fund established by a corporation, permitted by law to
28 corporations with regard to stockholders and executive or
29 administrative personnel, is also permitted to labor
30 organizations with regard to their members.

31 (6) Any corporation, including its subsidiaries,
32 branches, divisions, and affiliates, that utilizes a
33 method of soliciting voluntary contributions or
34 facilitating the making of voluntary contributions shall

1 make available that method, on written request and at a
2 cost sufficient only to reimburse the corporation for the
3 expenses incurred thereby, to a labor organization
4 representing any members working for the corporation or its
5 subsidiaries, branches, divisions, and affiliates.

6 (7) For purposes of this Section, the term "executive
7 or administrative personnel" means individuals employed by
8 a corporation who are paid on a salary, rather than hourly,
9 basis and who have policymaking, managerial, professional,
10 or supervisory responsibilities.

11 (c) Electioneering communications.

12 (1) For purposes of this Section, the term "applicable
13 electioneering communication" means an electioneering
14 communication, as defined in Section 9-1.14, that is made
15 by any entity described in subsection (a) of this Section
16 or by any other person using funds donated by an entity
17 described in subsection (a) of this Section.

18 (2) Notwithstanding paragraph (A), the term
19 "applicable electioneering communication" does not include
20 a communication by an unincorporated Section 501(c)(4)
21 organization or a political organization (as defined in
22 Section 527(e)(1) of the Internal Revenue Code of 1986 [26
23 USCS § 527(e)(1)]) if the communication is paid for
24 exclusively by funds provided directly by individuals who
25 are United States citizens or nationals or are lawfully
26 admitted for permanent residence (as defined in Section
27 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.
28 1101(a)(20))). For purposes of this paragraph, the term
29 "provided directly by individuals" does not include funds
30 the source of which is an entity described in subsection
31 (a) of this Section.

32 (3) Source of communications.

33 (A) An electioneering communication shall be
34 treated as made by an entity described in subsection

1 (a) if an entity described in subsection (a) directly
2 or indirectly disburses any amount for any of the costs
3 of the communication.

4 (B) A Section 501(c)(4) organization that derives
5 amounts from business activities or receives funds
6 from any entity described in subsection (a) shall be
7 considered to have paid for any communication out of
8 those amounts unless the organization paid for the
9 communication out of a segregated account.

10 (4) For purposes of this subsection:

11 (A) The term "Section 501(c)(4) organization"
12 means:

13 (i) An organization described in Section
14 501(c)(4) of the Internal Revenue Code of 1986 [26
15 USCS § 501(c)(4)] and exempt from taxation under
16 Section 501(a) of that Code [26 USCS § 501(a)]; or

17 (ii) An organization that has submitted an
18 application to the Internal Revenue Service for
19 determination of its status as an organization
20 described in clause (i).

21 (B) A person shall be treated as having made a
22 disbursement if the person has executed a contract to
23 make the disbursement.

24 (5) Nothing in this subsection shall be construed to
25 authorize an organization exempt from taxation under
26 Section 501(a) of the Internal Revenue Code of 1986 [26
27 USCS § 501(a)] to carry out any activity that is prohibited
28 under that Code.

29 (10 ILCS 5/9A-25 new)

30 Sec. 9A-25. Prohibition of contributions in name of
31 another. No person shall make a contribution in the name of
32 another person or knowingly permit his or her name to be used
33 to effect such a contribution. No person shall knowingly accept

1 a contribution made by one person in the name of another
2 person.

3 (10 ILCS 5/9A-30 new)

4 Sec. 9A-30. Complaints. The Board may receive complaints
5 from any entity regulated under this Article, alleging with
6 specificity on the basis of facts known to that entity, that a
7 violation of this Article has occurred. The Board may bring
8 complaints and investigations on its own initiative when the
9 Board has a reasonable basis to believe that a violation of
10 this Article has occurred. The Board shall have the authority
11 to promulgate procedural rules governing the filing and hearing
12 of complaints under this Section.

13 (10 ILCS 5/Art. 12A heading new)

14 ARTICLE 12A.

15 VOTERS' GUIDES

16 (10 ILCS 5/12A-2 new)

17 Sec. 12A-2. Definitions. As used in this Article, unless
18 the context otherwise requires:

19 "Board" means the State Board of Elections.

20 "Internet Guide" refers to information disseminated by the
21 State Board of Elections on a website, pursuant to Section
22 12A-5.

23 "Local election authority" means a county clerk or board of
24 election commissioners.

25 "Local insert" refers to information disseminated by the
26 State Board of Elections in printed form, pursuant to Section
27 12A-30.

28 "Public question" or "question" means any question,
29 proposition, or referendum submitted to the voters under
30 Article 28 of this Code.

31 "Publication date of the Statewide Guide" shall be set by

1 the State Board of Elections, in reference to the date after
2 which the publication schedule forbids further edits to the
3 Statewide Guide.

4 "Statewide candidate" means any candidate who runs for a
5 statewide office, including Governor, Lieutenant Governor,
6 Attorney General, Secretary of State, Treasurer, Comptroller,
7 United States President, or United States Senator.

8 "Statewide Guide" refers to information disseminated by
9 the State Board of Elections in printed form, pursuant to
10 Section 12A-20.

11 "Voters' guide" means any information disseminated by the
12 State Board of Elections pursuant to Section 12A-5, 12A-20, or
13 12A-30.

14 (10 ILCS 5/12A-5 new)

15 Sec. 12A-5. Internet Guide. The Board shall publish, no
16 later than the 45th day before a general election in which a
17 statewide candidate appears on the ballot, an Internet website
18 with the following information:

19 (1) The date and time of the general election.

20 (2) Requirements for a citizen to qualify as an
21 elector.

22 (3) The deadline for registering as an elector in the
23 State of Illinois for the next election.

24 (4) Contact information for local election
25 authorities.

26 (5) A description of the following offices, when they
27 appear on the ballot, including their term of office, basic
28 duties, and base salary: Governor, Lieutenant Governor,
29 Attorney General, Secretary of State, Treasurer,
30 Comptroller, Illinois Supreme Court Judge, Illinois
31 Appellate Court Judge, member of the General Assembly, and
32 other offices at the Board's discretion.

33 (6) The names and party affiliations of qualified

1 candidates for the following offices, when these offices
2 appear on the ballot: Governor, Lieutenant Governor,
3 Attorney General, Secretary of State, Treasurer,
4 Comptroller, Illinois Supreme Court Judge, Illinois
5 Appellate Court Judge, member of the General Assembly, and
6 other offices at the Board's discretion.

7 (7) Challenged candidates. Where a candidate's right
8 to appear on the general election ballot has been
9 challenged, and any appeal remains pending regarding those
10 challenges, the challenged candidate may appear on the
11 Internet Guide, subject to the other provisions of Section
12 12A-10. In this instance, the Board may note that the
13 candidate's candidacy has been challenged and that he or
14 she may be removed from the ballot prior to election day.
15 If the candidate is removed from the ballot prior to
16 election day, the Board shall remove the candidate's name
17 and other information from the Internet Guide.

18 (8) Any personal statement and photograph submitted by
19 a candidate named in the Internet Guide, subject to
20 Sections 12A-10 and 12A-35.

21 (9) A means by which an elector may determine what type
22 of balloting equipment is used by his or her local election
23 authority, and the instructions for properly using that
24 equipment.

25 (10) The text of any public question that may appear on
26 the ballot.

27 (11) A mechanism by which electors may determine in
28 which legislative and judicial districts they reside. The
29 Internet Guide shall allow visitors to search for
30 candidates by office group (e.g., statewide executive, or
31 General Assembly), office (e.g., Governor or State
32 Senator), district (e.g., specific legislative seats), and
33 candidate's name.

34 The Board shall archive the contents of the Internet Guide

1 for a period of at least 5 years.

2 (10 ILCS 5/12A-10 new)

3 Sec. 12A-10. Candidate statements and photographs in the
4 Internet Guide.

5 (a) Any candidate whose name appears in the Internet Guide
6 may submit a written statement and a photograph to appear in
7 the Internet Guide, provided that:

8 (1) No personal statement may exceed 400 words.

9 (2) Personal statements may include contact
10 information for the candidate, including the address and
11 phone number of the campaign headquarters, and the
12 candidate's website.

13 (3) Personal statements may not mention a candidate's
14 opponents by name.

15 (4) No personal statement may include language that may
16 not be legally sent through the mail.

17 (5) The photograph shall be a conventional photograph
18 with a plain background and show only the face, or the
19 head, neck, and shoulders, of the candidate.

20 (6) The photograph shall not (i) show the candidate's
21 hands, anything in the candidate's hands, or the candidate
22 wearing a judicial robe, a hat, or a military, police, or
23 fraternal uniform or (ii) include the uniform or insignia
24 of any organization.

25 (b) The Board must note in the text of the Internet Guide
26 that personal statements were submitted by the candidate or his
27 or her designee and were not edited by the Board.

28 (c) Where a candidate declines to submit a statement, the
29 Board may note that the candidate declined to submit a
30 statement.

31 (d) The candidate must pay \$200 for inclusion of his or her
32 personal statement and photograph, and the Board shall not
33 include photographs or statements from candidates who do not

1 pay the fee. The Board may adopt rules for refunding that fee
2 at the candidate's request, provided that the Board may not
3 include a statement or photograph from a candidate who has
4 requested a refund of a fee, and provided also that the Board
5 may not refund a fee for inclusion in the Internet Guide after
6 the publication date of the Statewide Guide.

7 (e) Anyone other than the candidate submitting a statement
8 or photograph from a candidate must attest that he or she is
9 doing so on behalf and at the direction of the candidate. The
10 Board may assess a civil fine of no more than \$1,000 against a
11 person or entity who falsely submits a statement or photograph
12 not authorized by the candidate.

13 (f) Nothing in this Article makes the author of any
14 statement exempt from any civil or criminal action because of
15 any defamatory statements offered for posting or contained in
16 the Internet Guide. The persons writing, signing, or offering a
17 statement for inclusion in the Internet Guide are deemed to be
18 its authors and publishers, and the Board shall not be liable
19 in any case or action relating to the content of any material
20 submitted by any candidate.

21 (g) The Board may set reasonable deadlines for the
22 submission of personal statements and photographs, provided
23 that a deadline may not be less than 5 business days after the
24 last day for filing new party petitions.

25 (h) The Board may set formats for the submission of
26 statements and photographs. The Board may require that
27 statements and photographs are submitted in an electronic
28 format.

29 (10 ILCS 5/12A-15 new)

30 Sec. 12A-15. Language. The Board may translate all of the
31 material it is required to provide for the Internet Guide into
32 other languages as it deems necessary to comply with the
33 federal Voting Rights Act or at its discretion. Visitors to the

1 site shall have the option of viewing the Guide in all
2 languages into which the Guide has been translated. Candidates
3 may, at their option and expense, submit statements in
4 languages other than English. The Board shall not be
5 responsible for translating candidate statements.

6 (10 ILCS 5/12A-20 new)

7 Sec 12A-20. Statewide Guide.

8 (a) By majority vote of the members of the State Board of
9 Elections, the Board may publish a printed voters' guide.

10 (b) The Board shall print at least as many copies of the
11 guide as are necessary to mail one copy to every household in
12 Illinois. The Board may also print additional copies for
13 distribution through other means.

14 (c) A copy of the Statewide Guide shall be mailed to every
15 household in Illinois no later than 45 days prior to the
16 general election.

17 (d) A Statewide Guide must include:

18 (1) The date and time of the election.

19 (2) Qualifications for becoming a registered elector
20 in the State of Illinois.

21 (3) The deadline for registering as an elector in the
22 State of Illinois for the next election.

23 (4) Instructions for electors who have moved between
24 jurisdictions of different local election authorities and who
25 wish to maintain their registration.

26 (5) How Illinois residents may contact the Board by
27 telephone, by mail, and by Internet.

28 (6) A description of the following offices, when they
29 appear on the ballot, including their term of office, basic
30 duties, and base salary: United States President, United States
31 Senator, Governor, Lieutenant Governor, Attorney General,
32 Secretary of State, Treasurer, Comptroller, and Illinois
33 Supreme Court Justice.

1 (7) The names and party affiliations of qualified
2 candidates for the following offices, when these offices appear
3 on the ballot: United States President, United States Senator,
4 Governor, Lieutenant Governor, Attorney General, Secretary of
5 State, Treasurer, Comptroller, and Illinois Supreme Court
6 Justice.

7 (8) Challenged candidates. Where a candidate's right to
8 appear on the ballot has been challenged, and any appeal
9 remains pending regarding those challenges, the challenged
10 candidate may appear in the Statewide Guide, subject to the
11 other provisions of Section 12A-10. In this instance, the Board
12 may note that the candidate's candidacy has been challenged and
13 that he or she may be removed from the ballot prior to election
14 day. If a challenged candidate is removed from the ballot prior
15 to the publication date of the Statewide Guide, the Board shall
16 remove that candidate from the Statewide Guide and shall refund
17 any fees paid by that candidate to include statements or
18 photographs in the Statewide Guide.

19 (9) Any personal statement and photograph submitted by
20 a candidate listed in the Statewide Guide, subject to Sections
21 12A-25 and 12A-35.

22 (10) A description of the different types of balloting
23 equipment used in Illinois and instructions for using that
24 equipment.

25 (11) The text of any public question that may appear on
26 the ballot.

27 (12) A voter registration form.

28 (13) Reference to the website address of the Internet
29 Guide.

30 (10 ILCS 5/12A-25 new)

31 Sec. 12A-25. Candidate statements and photographs in the
32 Statewide Guide.

33 (a) Any candidate whose name appears in the Statewide Guide

1 may submit a written statement and a photograph to appear in
2 the Statewide Guide, provided that:

3 (1) No candidate statement or photograph may appear in
4 the Statewide Guide if the candidate declines to submit a
5 statement or photograph to the Internet Guide or if he or
6 she seek a refund of the fee for the Internet Guide.

7 (2) No personal statement may exceed 400 words.

8 (3) Personal statements may include contact
9 information for the candidate, including the address and
10 phone number of the campaign headquarters, and the
11 candidate's website.

12 (4) Personal statements may not mention a candidate's
13 opponents by name.

14 (5) No personal statement may include language that may
15 not be legally sent through the mail.

16 (6) The photograph shall be a conventional photograph
17 with a plain background and shall show only the face, or
18 the head, neck, and shoulders, of the candidate.

19 (7) The photograph shall not (i) show the candidate's
20 hands, anything in the candidate's hands, or the candidate
21 wearing a judicial robe, a hat, or a military, police, or
22 fraternal uniform or (ii) include the uniform or insignia
23 of any organization.

24 (b) The Board must note in the text of the Statewide Guide
25 the name of the person or organization that submitted the
26 personal statements and photographs and that the statement was
27 not edited by the Board.

28 (c) Where a candidate declines to submit a statement, the
29 Board may note that the candidate declined to submit a
30 statement.

31 (d) The candidate or his or her designee must pay \$300 for
32 inclusion of his or her personal statement and photograph. The
33 Board shall not include photographs or statements from
34 candidates who do not pay the fee. The Board may adopt rules

1 for refunding that fee at the candidate's request, provided
2 that the Board may not include a statement or photograph from a
3 candidate who has requested a refund of a fee.

4 (e) Anyone submitting a statement or photograph from a
5 candidate must attest that he or she is doing so on behalf of
6 the candidate. The Board may assess a civil fine of no more
7 than \$1,000 against a person or entity who falsely submits a
8 statement or photograph not authorized by the candidate.

9 (f) Nothing in this Article makes the author of any
10 statement exempt from any civil or criminal action because of
11 any defamatory statements offered for publication or contained
12 in the Statewide Guide. The persons writing, signing, or
13 offering a statement for inclusion in the Statewide Guide are
14 deemed to be its authors and publishers.

15 (g) The Board may set deadlines for the submission of
16 personal statements and photographs, provided that the
17 deadline is not less than 5 business days after the filing
18 deadline for new party petitions.

19 (h) The Board may set reasonable formats for the submission
20 of statements and photographs. The Board may require that
21 statements and photographs are submitted in an electronic
22 format.

23 (10 ILCS 5/12A-30 new)

24 Sec. 12A-30. Local inserts.

25 (a) Notwithstanding any other law to the contrary, if the
26 Board chooses to issue a Statewide Guide, the Board may also
27 choose to enter into intergovernmental agreements with local
28 election authorities, to include a local insert with the copies
29 of the Statewide Guide mailed to addresses within the
30 jurisdiction of the local election authority.

31 (b) Local inserts qualifying for inclusion with the
32 Statewide Guide must include the following information:

33 (1) The names and party affiliations of qualified

1 candidates for United States Representative, Illinois
2 Appellate Court Judge, State Senator, and State
3 Representative.

4 (2) Other offices on the ballot, at the discretion of
5 the local election authority.

6 (3) Personal statements of candidates named in the
7 Guide, submitted in accordance with subsection (c).

8 (4) The location of polling places. This list may
9 indicate which polling places are handicapped accessible.

10 (5) The rights of handicapped voters in non-accessible
11 polling places.

12 (6) A change of address form, for electors who have
13 moved within the boundaries of the jurisdiction of the
14 local election authority.

15 (7) A judge of elections application.

16 (8) How an elector can qualify for and obtain an
17 absentee ballot.

18 (9) A description of the type of balloting equipment
19 used by the local election authority and the instructions
20 for using that equipment.

21 (10) Other information at the Board's discretion.

22 (c) The Board may set standards for including candidate
23 statements and photographs, provided that:

24 (1) The standards are substantially similar to the
25 standards for inclusion in the Statewide Guide.

26 (2) No candidate may appear in a local insert if he or
27 she declines to submit a statement to the Internet Guide or
28 if he or she seeks a refund of the fee for the Internet
29 Guide.

30 (3) The fee for submitting a personal statement and
31 photograph for the local insert is \$100. The fee must be
32 paid to the Board, and the Board must credit that
33 proportion of the candidate's fee equal to the proportion
34 of the candidate's district that lies within the

1 jurisdiction of the local election authority against any
2 fees due to the Board from the local election authority.

3 (d) The Board may allow a local election authority to
4 submit different inserts for different portions of its
5 jurisdiction, provided that:

6 (1) Every part of the jurisdiction receives
7 information about the same offices on the ballot.

8 (2) The division follows a rational basis related to
9 the work of the local election authority, such as dividing
10 the jurisdiction along congressional district lines.

11 (3) The division serves to reduce the size of the
12 insert and to tailor the information included to the
13 individual ballots of voters in different parts of the
14 jurisdiction.

15 (d) The Board may specify the style, format, and design of
16 the local insert to ensure uniformity with the Statewide Guide.

17 (e) The Board may charge local election authorities who
18 agree to submit local inserts the following fees:

19 (1) The incremental postage cost of mailing the
20 additional pages associated with the local insert.

21 (2) The cost of printing the local insert.

22 The Board may, at its discretion, allow local election
23 authorities to print their own inserts. If the Board chooses to
24 allow local election authorities to print their own inserts,
25 the Board may charge the local election authority the cost of
26 collating the insert with the Statewide Guide. Inserts printed
27 by local election authorities must comply with all rules set
28 for inserts printed by the Board.

29 (10 ILCS 5/12A-35 new)

30 Sec. 12A-35. Board's review of candidate photograph and
31 statement; procedure for revision.

32 (a) If a candidate files a photograph and statement under
33 item (8) of Section 12A-5 or item (9) of subsection (d) of

1 Section 12A-20 for inclusion in a voters' guide, the Board
2 shall review the photograph and statement to ensure that they
3 comply with the requirements of Section 12A-10 or Section
4 12A-25, as applicable. Review by the Board under this Section
5 shall be limited to determining whether the photograph and
6 statement comply with the requirements of Section 12A-10 or
7 Section 12A-25 and may not include any determination relating
8 to the accuracy or truthfulness of the substance or contents of
9 the materials filed.

10 (b) The Board shall review each photograph and statement
11 not later than 3 business days following the deadline for
12 filing a photograph and statement. If the Board determines that
13 the photograph or statement of a candidate must be revised in
14 order to comply with the requirements of Section 12A-10 or
15 Section 12A-25, as applicable, the Board shall attempt to
16 contact the candidate not later than the 5th day after the
17 deadline for filing a photograph and statement. A candidate
18 contacted by the Board under this Section may file a revised
19 photograph or statement no later than the 7th business day
20 following the deadline for filing a photograph and statement.

21 (c) If the Board is required to attempt to contact a
22 candidate under subsection (b) of this Section, the Board shall
23 attempt to contact the candidate by telephone or by using an
24 electronic transmission facsimile machine, if such contact
25 information is provided by the candidate.

26 (d) If the Board is unable to contact a candidate, if the
27 candidate does not file a revised photograph or statement, or
28 if the revised filing under subsection (b) again fails to meet
29 the standards of review set by the Board:

30 (1) If a photograph does not comply with Section 12A-10
31 or Section 12A-25, as applicable, the Board may modify the
32 photograph. The candidate shall pay the expense of any
33 modification before publication of the photograph in the
34 voters' guide. If the photograph cannot be modified to

1 comply with Section 12A-10 or 12A-25, as applicable, the
2 photograph shall not be printed in the guide.

3 (2) If a statement does not comply with Section 12A-10
4 or Section 12A-25, as applicable, the statement shall not
5 be printed in the guide.

6 (e) If the photograph or statement of a candidate filed
7 under item (8) of Section 12A-5 or item (9) of subsection (d)
8 of Section 12A-20 does not comply with a requirement of Section
9 12A-10 or Section 12A-25, as applicable, and the Board does not
10 attempt to contact the candidate by the deadline specified in
11 subsection (b) of this Section, for purposes of this Section
12 only the photograph or statement shall be printed as filed.

13 (f) A candidate revising a photograph or statement under
14 this Section shall make only those revisions necessary to
15 comply with Section 12A-10 or Section 12A-25, as applicable.

16 (g) The Board may by rule define the term "contact" as used
17 in this Section.

18 (10 ILCS 5/12A-40 new)

19 Sec. 12A-40. Exemption from public records laws.
20 Notwithstanding any other provision of law, materials filed by
21 a candidate, political party, political committee, or other
22 person for inclusion in a voters' guide are exempt from public
23 inspection until the 4th business day after the final date for
24 filing the materials.

25 (10 ILCS 5/12A-45 new)

26 Sec. 12A-45. Material submitted for inclusion in any
27 voters' guide may not be admitted as evidence in any suit or
28 action against the Board to restrain or enjoin the publication
29 of a voters' guide.

30 (10 ILCS 5/12A-50 new)

31 Sec. 12A-50. Order of appearance within the guides. For all

1 guides disseminated by the Board, all information about offices
2 and candidates on the ballot shall be listed together in the
3 same part of the guide or insert. All candidates for one
4 office, together with their statements and photographs if any,
5 shall be listed before information on other offices and
6 candidates is listed. To the extent possible, offices and
7 candidates shall be listed in the same order in which they
8 appear on the ballot.

9 (10 ILCS 5/12A-55 new)

10 Sec. 12A-55. Constitutional issues. If a constitutional
11 amendment appears on the ballot, the contents of the pamphlet
12 issued by the Secretary of State under Section 2 of the
13 Illinois Constitutional Amendment Act may be included in any
14 guide issued by the Board.

15 Section 20. The Lobbyist Registration Act is amended by
16 changing Sections 2, 3.1, 4, 5, 6, 6.5, 7, and 11 as follows:

17 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

20 (a) "Person" means any individual, firm, partnership,
21 committee, association, corporation, or any other organization
22 or group of persons.

23 (b) "Expenditure" means a payment, distribution, loan,
24 advance, deposit, or gift of money or anything of value, and
25 includes a contract, promise, or agreement, whether or not
26 legally enforceable, to make an expenditure, for the ultimate
27 purpose of influencing executive, legislative, or
28 administrative action, other than compensation as defined in
29 subsection (d).

30 (c) "Official" means:

31 (1) the Governor, Lieutenant Governor, Secretary of

1 State, Attorney General, State Treasurer, and State
2 Comptroller;

3 (2) Chiefs of Staff for officials described in item
4 (1);

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

8 (4) Members of the General Assembly.

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

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

17 (e) "Lobbying" means any communication with an official of
18 the executive or legislative branch of State government as
19 defined in subsection (c) for the ultimate purpose of
20 influencing executive, legislative, or administrative action.

21 (f) "Influencing" means any communication, action,
22 reportable expenditure as prescribed in Section 6 or other
23 means used to promote, support, affect, modify, oppose or delay
24 any executive, legislative or administrative action or to
25 promote goodwill with officials as defined in subsection (c).

26 (g) "Executive action" means the proposal, drafting,
27 development, consideration, amendment, adoption, approval,
28 promulgation, issuance, modification, rejection or
29 postponement by a State entity of a rule, regulation, order,
30 decision, determination, contractual arrangement, purchasing
31 agreement or other quasi-legislative or quasi-judicial action
32 or proceeding.

33 (h) "Legislative action" means the development, drafting,
34 introduction, consideration, modification, adoption,

1 rejection, review, enactment, or passage or defeat of any bill,
2 amendment, resolution, report, nomination, administrative rule
3 or other matter by either house of the General Assembly or a
4 committee thereof, or by a legislator. Legislative action also
5 means the action of the Governor in approving or vetoing any
6 bill or portion thereof, and the action of the Governor or any
7 agency in the development of a proposal for introduction in the
8 legislature.

9 (i) "Administrative action" means the execution or
10 rejection of any rule, regulation, legislative rule, standard,
11 fee, rate, contractual arrangement, purchasing agreement or
12 other delegated legislative or quasi-legislative action to be
13 taken or withheld by any executive agency, department, board or
14 commission of the State.

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

17 (k) "Registrant entity" means any non-person registrant,
18 including a lobbying firm and its clients.

19 (l) "Immediate family member" is defined as in Section
20 4A-100 of the Illinois Governmental Ethics Act.

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

22 (25 ILCS 170/3.1)

23 Sec. 3.1. Prohibition on serving on boards and commissions.
24 Notwithstanding any other law of this State, on and after
25 February 1, 2004, but not before that date, a person required
26 to be registered under this Act, his or her spouse, and his or
27 her immediate family members ~~living with that person~~ may not
28 serve on a board, commission, authority, or task force
29 authorized or created by State law or by executive order of the
30 Governor; except that this restriction does not apply to any of
31 the following:

32 (1) a registered lobbyist, his or her spouse, or any
33 immediate family member ~~living with the registered~~

1 ~~lobbyist~~, who is serving in an elective public office,
2 whether elected or appointed to fill a vacancy; and

3 (2) a registered lobbyist, his or her spouse, or any
4 immediate family member ~~living with the registered~~
5 ~~lobbyist~~, who is serving on a State advisory body that
6 makes nonbinding recommendations to an agency of State
7 government but does not make binding recommendations or
8 determinations or take any other substantive action.

9 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

10 (25 ILCS 170/4) (from Ch. 63, par. 174)

11 Sec. 4. Persons not required to register. This Act is not
12 intended and shall not be construed to apply to the following:

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

22 (b) Persons who own, publish, or are employed by a
23 newspaper or other regularly published periodical, or who own
24 or are employed by a radio station, television station, or
25 other bona fide news medium which in the ordinary course of
26 business disseminates news, editorial or other comment, or paid
27 advertisements which directly urge the passage or defeat of
28 legislation. This exemption shall not be applicable to such an
29 individual insofar as he receives additional compensation or
30 expenses from some source other than the bona fide news medium
31 for the purpose of influencing executive, legislative or
32 administrative action. This exemption does not apply to
33 newspapers and periodicals owned by or published by trade

1 associations and profit corporations engaged primarily in
2 endeavors other than dissemination of news.

3 (c) Persons performing professional services in drafting
4 bills or in advising and rendering opinions to clients as to
5 the construction and effect of proposed or pending legislation
6 where such professional services are not otherwise, directly or
7 indirectly, connected with executive, legislative or
8 administrative action.

9 (d) Persons who are employees of departments, divisions, or
10 agencies of State government, and who appear before committees
11 of the House and Senate for the purpose of explaining how the
12 passage of or action upon any legislation then pending before
13 such committees will affect said departments, divisions or
14 agencies of State government.

15 (e) Employees of the General Assembly legislators,
16 legislative agencies and legislative commissions who, in the
17 course of their official duties only, engage in activities that
18 otherwise qualify as lobbying.

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

28 (g) Any full time employee of a bona-fide church or
29 religious organization who represents that organization solely
30 for the purpose of protecting the right of the members thereof
31 to practice the religious doctrines of such church or religious
32 organization.

33 (h) Persons who (1) make no expenditures that are
34 reportable under Section 6, (2) receive no compensation for

1 lobbying other than their normal salary plus not more than \$500
2 per year in reimbursement for expenses of up to \$500 per year
3 while engaged in lobbying State government, (3) engage in
4 lobbying activities as an insignificant portion of their duties
5 during the regular course of their employment or as a
6 volunteer, and (4) were not required to register as a lobbyist
7 in the immediately preceding registration period unless those
8 persons make expenditures that are reportable under Section 6.
9 For the purposes of this subsection, the phrase "insignificant
10 portion of their duties" shall mean less than 40 hours during
11 any 12-month period.

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

18 (j) Persons who, in the scope of their employment as a
19 vendor, offer or solicit an official for the purchase of any
20 goods or services where (1) said solicitation is limited to
21 either an oral inquiry or written advertisements and
22 informative literature; or (2) said goods and services are
23 subject to competitive bidding requirements of the Illinois
24 Purchasing Act; or (3) said goods and services are for sale at
25 a cost not to exceed \$5,000; and (4) such persons do not make
26 expenditures that are reportable under Section 6.

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

28 (25 ILCS 170/5)

29 Sec. 5. Lobbyist registration and disclosure. Every person
30 required to register under this Act ~~Section 3~~ shall before any
31 service is performed which requires the person to register, but
32 in any event not later than 2 business days after being
33 employed or retained, and on or before each January 31 and July

1 31 thereafter, file in the Office of the Secretary of State a
2 written statement containing the following information with
3 respect to each person or entity employing or retaining the
4 person required to register:

5 (a) The registrant's name, permanent address, e-mail
6 address, if any, fax number, if any, business telephone
7 number, and temporary address, if the registrant has a
8 temporary address while lobbying.

9 (a-5) If the registrant is an organization or business
10 entity, the information required under subsection (a) for
11 each person associated with the registrant who will be
12 lobbying, regardless of whether lobbying is a significant
13 part of his or her duties.

14 (b) The name and address of the person or persons
15 employing or retaining registrant to perform such services
16 or on whose behalf the registrant appears.

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

20 (c-5) Each executive and legislative branch agency the
21 registrant expects to lobby during the registration
22 period.

23 (c-6) The nature of the client's business, by
24 indicating all of the following categories that apply: (1)
25 banking and financial services, (2) manufacturing, (3)
26 education, (4) environment, (5) healthcare, (6) insurance,
27 (7) community interests, (8) labor, (9) public relations or
28 advertising, (10) marketing or sales, (11) hospitality,
29 (12) engineering, (13) information or technology products
30 or services, (14) social services, (15) public utilities,
31 (16) racing or wagering, (17) real estate or construction,
32 (18) telecommunications, (19) trade or professional
33 association, (20) travel or tourism, (21) transportation,
34 and (22) other (setting forth the nature of that other

1 business).

2 The registrant must file an amendment to the statement
3 within 14 calendar days to report any substantial change or
4 addition to the information previously filed, except that a
5 registrant must file an amendment to the statement to disclose
6 a new agreement to retain the registrant for lobbying services
7 before any service is performed which requires the person to
8 register, but in any event not later than 2 business days after
9 entering into the retainer agreement.

10 Not later than 12 months after the effective date of this
11 amendatory Act of the 93rd General Assembly, or as soon
12 thereafter as the Secretary of State has provided adequate
13 software to the persons required to file, all statements and
14 amendments to statements required to be filed shall be filed
15 electronically. The Secretary of State shall promptly make all
16 filed statements and amendments to statements publicly
17 available by means of a searchable database that is accessible
18 through the World Wide Web. The Secretary of State shall
19 provide all software necessary to comply with this provision to
20 all persons required to file. The Secretary of State shall
21 implement a plan to provide computer access and assistance to
22 persons required to file electronically.

23 Persons required to register under this Act prior to July
24 1, 2003, shall remit a single, annual and nonrefundable \$50
25 registration fee. All fees collected for registrations prior to
26 July 1, 2003, shall be deposited into the Lobbyist Registration
27 Administration Fund for administration and enforcement of this
28 Act. Beginning July 1, 2003, all persons other than entities
29 qualified under Section 501(c)(3) of the Internal Revenue Code
30 required to register under this Act shall remit a single,
31 annual, and nonrefundable \$350 registration fee. Entities
32 required to register under this Act which are qualified under
33 Section 501(c)(3) of the Internal Revenue Code shall remit a
34 single, annual, and nonrefundable \$150 registration fee. Each

1 individual required to register under this Act shall submit, on
2 an annual basis, a picture of the registrant. A registrant may,
3 in lieu of submitting a picture on an annual basis, authorize
4 the Secretary of State to use any photo identification
5 available in any database maintained by the Secretary of State
6 for other purposes. Of each registration fee collected for
7 registrations on or after July 1, 2003, \$50 shall be deposited
8 into the Lobbyist Registration Administration Fund for
9 administration and enforcement of this Act and is intended to
10 be used to implement and maintain electronic filing of reports
11 under this Act, the next \$100 shall be deposited into the
12 Lobbyist Registration Administration Fund for administration
13 and enforcement of this Act, and any balance shall be deposited
14 into the General Revenue Fund.

15 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
16 93-617, eff. 12-9-03.)

17 (25 ILCS 170/6) (from Ch. 63, par. 176)

18 Sec. 6. Reports.

19 (a) Except as otherwise provided in this Section, every
20 person required to register as prescribed in Section 3 shall
21 report, verified under oath pursuant to Section 1-109 of the
22 Code of Civil Procedure, to the Secretary of State all revenues
23 and expenditures related to ~~for~~ lobbying made or incurred by
24 the lobbyist on his behalf or the behalf of his employer. The
25 reports shall be filed by July 31, for the period January 1
26 through June 30 immediately preceding, and by January 31, for
27 the period July 1 through December 31 immediately preceding. A
28 report filed under this Act is due in the Office of the
29 Secretary of State no later than the close of business on the
30 date on which it is required to be filed. In the case where an
31 individual is solely employed by another person to perform job
32 related functions any part of which includes lobbying, the
33 employer shall be responsible for reporting all lobbying

1 revenues and expenditures incurred on the employer's behalf as
2 shall be identified by the lobbyist to the employer preceding
3 such report. Persons who contract with another person to
4 perform lobbying activities shall be responsible for reporting
5 all lobbying billings and expenditures incurred on the
6 employer's behalf. Any additional lobbying expenses incurred
7 by the employer which are separate and apart from those
8 incurred by the contractual employee shall be reported by the
9 employer.

10 (b) The report shall itemize each individual expenditure or
11 transaction over \$10 ~~\$100~~ and shall include the name of the
12 official on whose behalf the expenditure was made, the name of
13 the client on whose behalf the expenditure was made, the total
14 amount of the expenditure, a description of the expenditure,
15 the address and location of the expenditure if the expenditure
16 was for an intangible item such as lodging, the date on which
17 the expenditure occurred and the subject matter of the lobbying
18 activity, if any.

19 Expenditures attributable to lobbying officials shall be
20 listed and reported according to the following categories:

21 (1) travel and lodging on behalf of others.

22 (2) meals, beverages and other entertainment.

23 (3) gifts (indicating which, if any, are on the basis
24 of personal friendship).

25 (4) honoraria.

26 (5) any other thing of value not listed under a
27 category above, setting forth a description of the
28 expenditure.

29 ~~Individual expenditures required to be reported as~~
30 ~~described herein which are equal to or less than \$100 in value~~
31 ~~need not be itemized but are required to be categorized and~~
32 ~~reported by officials in an aggregate total in a manner~~
33 ~~prescribed by rule of the Secretary of State.~~

34 Expenditures incurred for hosting receptions, benefits and

1 other large gatherings held for purposes of goodwill or
2 otherwise to influence executive, legislative or
3 administrative action to which there are 25 or more State
4 officials invited shall be reported listing only the total
5 amount of the expenditure, the date of the event, ~~and~~ the
6 estimated number of officials in attendance, and the names of
7 any officials known to have attended.

8 Each individual expenditure required to be reported shall
9 include all expenses made for or on behalf of State officials
10 and members of the immediate family of those persons.

11 The category travel and lodging includes, but is not
12 limited to, all travel and living accommodations made for or on
13 behalf of State officials in the capital during sessions of the
14 General Assembly.

15 Reasonable and bona fide expenditures made by the
16 registrant who is a member of a legislative or State study
17 commission or committee while attending and participating in
18 meetings and hearings of such commission or committee need not
19 be reported.

20 Reasonable and bona fide expenditures made by the
21 registrant for personal sustenance, lodging, travel, office
22 expenses and clerical or support staff need not be reported.

23 Salaries, fees, and other compensation paid to the
24 registrant for the purposes of lobbying need not be reported, but
25 billings by registrant entities or, where the lobbyist was
26 employed or retained by more than one entity, to clients shall
27 be included in the reports.

28 Any contributions required to be reported under Article 9
29 of the Election Code need not be reported.

30 The report shall include: (1) the name of each State
31 government entity lobbied; (2) whether the lobbying involved
32 executive, legislative, or administrative action, or a
33 combination; (3) the names of the persons who performed the
34 lobbyist services; and (4) a brief description of the

1 legislative, executive, or administrative action involved.

2 ~~Except as otherwise provided in this subsection, gifts and~~
3 ~~honoraria returned or reimbursed to the registrant within 30~~
4 ~~days of the date of receipt shall not be reported.~~

5 ~~A gift or honorarium returned or reimbursed to the~~
6 ~~registrant within 10 days after the official receives a copy of~~
7 ~~a report pursuant to Section 6.5 shall not be included in the~~
8 ~~final report unless the registrant informed the official,~~
9 ~~contemporaneously with the receipt of the gift or honorarium,~~
10 ~~that the gift or honorarium is a reportable expenditure~~
11 ~~pursuant to this Act.~~

12 ~~(c) Reports under this Section shall be filed by July 31,~~
13 ~~for expenditures from the previous January 1 through the later~~
14 ~~of June 30 or the final day of the regular General Assembly~~
15 ~~session, and by January 31, for expenditures from the entire~~
16 ~~previous calendar year.~~

17 Registrants who made no reportable expenditures during a
18 reporting period shall file a report stating that no
19 expenditures were incurred. Such reports shall be filed in
20 accordance with the deadlines as prescribed in this subsection.

21 (c-5) The report shall include the names and addresses of
22 all clients who retained the lobbyist, other than his or her
23 immediate employer, together with an itemized description for
24 each client of the following: (1) lobbying regarding executive
25 action, including the name of any agency lobbied, the names of
26 any officials lobbied, the specific subject matter discussed
27 with each agency or official, and the total amount billed to
28 the client, including subtotals for professional services and
29 reimbursements; (2) lobbying regarding legislative action,
30 including the specific subject matter, bill numbers where
31 available, and the total amount billed to the client, including
32 subtotals for professional services and reimbursements; and
33 (3) lobbying regarding administrative action, including the
34 specific subject matter and the total billed to the client,

1 including subtotals for professional services and
2 reimbursements.

3 (c-7) A registrant who terminates employment or duties
4 which required him to register under this Act shall give the
5 Secretary of State, within 30 days after the date of such
6 termination, written notice of such termination and shall
7 include therewith a report of the revenues and expenditures
8 described herein, covering the period of time since the filing
9 of his last report to the date of termination of employment.
10 Such notice and report shall be final and relieve such
11 registrant of further reporting under this Act, unless and
12 until he later takes employment or assumes duties requiring him
13 to again register under this Act.

14 (d) Failure to file any such report within the time
15 designated or the reporting of incomplete information shall
16 constitute a violation of this Act.

17 A registrant shall preserve for a period of 2 years all
18 receipts and records used in preparing reports under this Act.

19 (e) Within 30 days after a filing deadline, the lobbyist
20 shall notify each official on whose behalf an expenditure has
21 been reported. Notification shall include the name of the
22 registrant, the total amount of the expenditure, a description
23 of the expenditure, the date on which the expenditure occurred,
24 and the subject matter of the lobbying activity.

25 (Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

26 (25 ILCS 170/6.5)

27 Sec. 6.5. Disposition of gifts ~~Response to report by~~
28 ~~official.~~

29 (a) Every person required to register as prescribed in
30 Section 3 and required to file a report with the Secretary of
31 State as prescribed in Section 6 shall, at least 25 days before
32 filing the report, provide a copy of the report to each
33 official listed in the report by first class mail or hand

1 delivery. An official may, within 10 days after receiving the
2 copy of the report, provide written objections to the report by
3 first class mail or hand delivery to the person required to
4 file the report. If those written objections conflict with the
5 final report that is filed, the written objections shall be
6 filed along with the report.

7 (a-5) If an official who received a gift listed on a
8 lobbyist report returned the gift, reimbursed the lobbyist for
9 the gift, donated the gift to charity, or otherwise surrendered
10 possession of the gift to a person or entity outside of his or
11 her immediate household, then the official shall return a copy
12 of the report supplied to the official by the lobbyist under
13 Section 6 to the Secretary of State indicating the disposition
14 of the gift. The amendments to reports shall be filed by
15 September 1, for gifts listed in the report covering the period
16 January 1 through June 30 immediately preceding, or by March 1,
17 for gifts listed in the report covering the period July 1
18 through December 31 immediately preceding. Reports filed
19 pursuant to this subsection shall not be admissible as evidence
20 of a violation of Article 10 of the State Officials and
21 Employees Ethics Act, provided that the gifts were disposed of
22 in accordance with Section 10-30 of that Act.

23 (b) Failure to provide a copy of the report to an official
24 listed in the report within the time designated in this Section
25 is a violation of this Act.

26 (Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

27 (25 ILCS 170/7) (from Ch. 63, par. 177)

28 Sec. 7. Duties of the Secretary of State.

29 (a) It shall be the duty of the Secretary of State to
30 provide appropriate forms for the registration and reporting of
31 information required by this Act and to keep such registrations
32 and reports on file in his office for 3 years from the date of
33 filing. He shall also provide and maintain a register with

1 appropriate blanks and indexes so that the information required
2 in Sections 5 and 6 of this Act may be accordingly entered.
3 Such records shall be considered public information and open to
4 public inspection.

5 ~~A report filed under this Act is due in the Office of the~~
6 ~~Secretary of State no later than the close of business on the~~
7 ~~date on which it is required to be filed.~~

8 (b) Within 10 days after a filing deadline, the Secretary
9 of State shall notify persons he determines are required to
10 file but have failed to do so.

11 (c) Not later than 12 months after the effective date of
12 this amendatory Act of the 93rd General Assembly, or as soon
13 thereafter as the Secretary of State has provided adequate
14 software to the persons required to file, all reports required
15 under this Act shall be filed electronically. The Secretary of
16 State shall promptly make all filed reports publicly available
17 by means of a searchable database that is accessible through
18 the World Wide Web. The Secretary of State shall provide all
19 software necessary to comply with this provision to all persons
20 required to file. The Secretary of State shall implement a plan
21 to provide computer access and assistance to persons required
22 to file electronically.

23 (d) Not later than 12 months after the effective date of
24 this amendatory Act of the 93rd General Assembly, the Secretary
25 of State shall include registrants' pictures when publishing or
26 posting on his or her website the information required in
27 Section 5.

28 (e) The Secretary of State shall receive and investigate
29 allegations of violations of this Act. Any employee of the
30 Secretary of State who receives a complaint shall immediately
31 transmit that complaint to the Secretary of State Inspector
32 General.

33 (Source: P.A. 93-615, eff. 11-19-03.)

1 (25 ILCS 170/11) (from Ch. 63, par. 181)

2 Sec. 11. Enforcement ~~Venue~~.

3 (a) Allegations of possible violations of this Act may be
4 filed with the Secretary of State Inspector General appointed
5 under Section 14 of the Secretary of State Act. If the
6 Secretary of State Inspector General finds credible evidence of
7 a violation of this Act, he or she may forward those findings
8 to the Executive Ethics Commission.

9 (b) Any violation of this Act may be prosecuted in the
10 county where the offense is committed or in Sangamon County. In
11 addition to the State's Attorney of the appropriate county, the
12 Attorney General of Illinois also is authorized to prosecute
13 any violation of this Act.

14 (Source: P.A. 76-1848.)

15 Section 25. The Illinois Procurement Code is amended by
16 changing Section 50-13 as follows:

17 (30 ILCS 500/50-13)

18 Sec. 50-13. Conflicts of interest.

19 (a) Prohibition. It is unlawful for any person holding an
20 elective office in this State, holding a seat in the General
21 Assembly, or appointed to or employed in any of the offices or
22 agencies of State government and who receives compensation for
23 such employment in excess of 60% of the salary of the Governor
24 of the State of Illinois, or who is an officer or employee of
25 the Capital Development Board or the Illinois Toll Highway
26 Authority, or who is the spouse of any such person or an
27 immediate family member ~~minor child~~ of any such person to have
28 or acquire any contract, or any direct pecuniary interest in
29 any contract therein, whether for stationery, printing, paper,
30 or any services, materials, or supplies, that will be wholly or
31 partially satisfied by the payment of funds appropriated by the
32 General Assembly of the State of Illinois or in any contract of

1 the Capital Development Board or the Illinois Toll Highway
2 Authority.

3 (b) Interests. It is unlawful for any firm, partnership,
4 association, or corporation, in which any person listed in
5 subsection (a) is entitled to receive any ~~(i) more than 7 1/2%~~
6 ~~of the total~~ distributable income or ~~(ii) an amount in excess~~
7 ~~of the salary of the Governor,~~ to have or acquire any such
8 contract or direct pecuniary interest therein, except that this
9 restriction does not apply to a person, his or her spouse, or
10 his or her immediate family member, who is serving on a State
11 advisory body that makes nonbinding recommendations to an
12 agency of State government but does not make binding
13 recommendations or determinations or take any other
14 substantive action.

15 ~~(c) Combined interests. It is unlawful for any firm,~~
16 ~~partnership, association, or corporation, in which any person~~
17 ~~listed in subsection (a) together with his or her spouse or~~
18 ~~minor children is entitled to receive (i) more than 15%, in the~~
19 ~~aggregate, of the total distributable income or (ii) an amount~~
20 ~~in excess of 2 times the salary of the Governor, to have or~~
21 ~~acquire any such contract or direct pecuniary interest therein.~~

22 (c) ~~(e-5)~~ Appointees and firms. In addition to any
23 provisions of this Code, the interests of certain appointees
24 and their firms are subject to Section 3A-35 of the Illinois
25 Governmental Ethics Act.

26 (d) Securities. Nothing in this Section invalidates the
27 provisions of any bond or other security previously offered or
28 to be offered for sale or sold by or for the State of Illinois.

29 (e) Prior interests. This Section does not affect the
30 validity of any contract made between the State and an officer
31 or employee of the State or member of the General Assembly, his
32 or her spouse, ~~minor child,~~ or other immediate family member,
33 ~~living in his or her residence~~ or any combination of those
34 persons if that contract was in existence before his or her

1 election or employment as an officer, member, or employee. The
2 contract is voidable, however, if it cannot be completed within
3 365 days after the officer, member, or employee takes office or
4 is employed.

5 (f) Exceptions.

6 (1) Public aid payments. This Section does not apply to
7 payments made for a public aid recipient.

8 (2) Teaching. This Section does not apply to a contract
9 for personal services as a teacher or school administrator
10 between a member of the General Assembly or his or her
11 spouse, or a State officer or employee or his or her
12 spouse, and any school district, public community college
13 district, the University of Illinois, Southern Illinois
14 University, Illinois State University, Eastern Illinois
15 University, Northern Illinois University, Western Illinois
16 University, Chicago State University, Governor State
17 University, or Northeastern Illinois University.

18 (3) Ministerial duties. This Section does not apply to
19 a contract for personal services of a wholly ministerial
20 character, including but not limited to services as a
21 laborer, clerk, typist, stenographer, page, bookkeeper,
22 receptionist, or telephone switchboard operator, made by a
23 spouse or minor child of an elective or appointive State
24 officer or employee or of a member of the General Assembly.

25 (4) Child and family services. This Section does not
26 apply to payments made to a member of the General Assembly,
27 a State officer or employee, his or her spouse or minor
28 child acting as a foster parent, homemaker, advocate, or
29 volunteer for or in behalf of a child or family served by
30 the Department of Children and Family Services.

31 (5) Licensed professionals. Contracts with licensed
32 professionals, provided they are competitively bid or part
33 of a reimbursement program for specific, customary goods
34 and services through the Department of Children and Family

1 Services, the Department of Human Services, the Department
2 of Public Aid, the Department of Public Health, or the
3 Department on Aging.

4 (g) Penalty. A person convicted of a violation of this
5 Section is guilty of a business offense and shall be fined not
6 less than \$1,000 nor more than \$5,000.

7 (h) For the purposes of this Section, "immediate family
8 member" is defined as in Section 4A-100 of the Illinois
9 Governmental Ethics Act.

10 (Source: P.A. 93-615, eff. 11-19-03.)

11 Section 97. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect 60 days
14 after becoming law."