

1 AN ACT concerning ethics.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by adding Section 5-47 and by changing Section 50-5 as
6 follows:

7 (5 ILCS 430/5-47 new)

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

9 (a) No executive branch constitutional officer or
10 executive branch State employee may accept compensation or
11 other employment as a lobbyist representing clients before any
12 State agency over which the officer had jurisdiction or for
13 which the employee worked for one year from the date the
14 officer left office or the employee left that agency.

15 (b) No member of the legislative branch who leaves that
16 position between August 1 and the next November 30 may work as
17 a registered lobbyist to influence legislative action until
18 after the adjournment of the next spring legislative session,
19 and no member of the legislative branch who leaves that
20 position between December 1 and the next July 31 may work as a
21 registered lobbyist to influence legislative action until
22 after the conclusion of the next veto session.

23 (c) As used in this Section, "compensation", "lobbyists",

1 and "legislative action" have the same meanings as those terms
2 are defined in Section 2 of the Lobbyist Registration Act.

3 (5 ILCS 430/50-5)

4 Sec. 50-5. Penalties.

5 (a) A person is guilty of a Class A misdemeanor if that
6 person intentionally violates any provision of Section 5-15,
7 5-30, 5-40, ~~or 5-45,~~ or 5-47 or Article 15.

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

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

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

19 (e) An ethics commission may levy an administrative fine of
20 up to \$5,000 against any person who violates this Act, who
21 intentionally obstructs or interferes with an investigation
22 conducted under this Act by an inspector general, or who
23 intentionally makes a false, frivolous, or bad faith
24 allegation.

25 (f) In addition to any other penalty that may apply,

1 whether criminal or civil, a State employee who intentionally
2 violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40,
3 or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is
4 subject to discipline or discharge by the appropriate ultimate
5 jurisdictional authority.

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

7 Section 10. The Secretary of State Act is amended by
8 changing Section 14 as follows:

9 (15 ILCS 305/14)

10 Sec. 14. Inspector General.

11 (a) The Secretary of State must, with the advice and
12 consent of the Senate, appoint an Inspector General for the
13 purpose of detection, deterrence, and prevention of fraud,
14 corruption, mismanagement, gross or aggravated misconduct, or
15 misconduct that may be criminal in nature in the Office of the
16 Secretary of State. The Inspector General shall serve a 5-year
17 term. If no successor is appointed and qualified upon the
18 expiration of the Inspector General's term, the Office of
19 Inspector General is deemed vacant and the powers and duties
20 under this Section may be exercised only by an appointed and
21 qualified interim Inspector General until a successor
22 Inspector General is appointed and qualified. If the General
23 Assembly is not in session when a vacancy in the Office of
24 Inspector General occurs, the Secretary of State may appoint an

1 interim Inspector General whose term shall expire 2 weeks after
2 the next regularly scheduled session day of the Senate.

3 (b) The Inspector General shall have the following
4 qualifications:

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

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

9 (3) has either (A) 5 or more years of service with a
10 federal, State, or local law enforcement agency, at least 2
11 years of which have been in a progressive investigatory
12 capacity; (B) 5 or more years of service as a federal,
13 State, or local prosecutor; or (C) 5 or more years of
14 service as a senior manager or executive of a federal,
15 State, or local agency.

16 (c) The Inspector General may review, coordinate, and
17 recommend methods and procedures to increase the integrity of
18 the Office of the Secretary of State. The duties of the
19 Inspector General shall supplement and not supplant the duties
20 of the Chief Auditor for the Secretary of State's Office or any
21 other Inspector General that may be authorized by law. The
22 Inspector General must report directly to the Secretary of
23 State.

24 (d) In addition to the authority otherwise provided by this
25 Section, but only when investigating the Office of the
26 Secretary of State, its employees, or their actions for fraud,

1 corruption, mismanagement, gross or aggravated misconduct, or
2 misconduct that may be criminal in nature, the Inspector
3 General is authorized:

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

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

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

18 (4) To require by subpoena the appearance of witnesses
19 and the production of all information, documents, reports,
20 answers, records, accounts, papers, and other data and
21 documentary evidence necessary in the performance of the
22 functions assigned by this Section, with the exception of
23 subsection (c) and with the exception of records of a labor
24 organization authorized and recognized under the Illinois
25 Public Labor Relations Act to be the exclusive bargaining
26 representative of employees of the Secretary of State,

1 including, but not limited to, records of representation of
2 employees and the negotiation of collective bargaining
3 agreements. A subpoena may be issued under this paragraph
4 (4) only by the Inspector General and not by members of the
5 Inspector General's staff. A person duly subpoenaed for
6 testimony, documents, or other items who neglects or
7 refuses to testify or produce documents or other items
8 under the requirements of the subpoena shall be subject to
9 punishment as may be determined by a court of competent
10 jurisdiction, unless (i) the testimony, documents, or
11 other items are covered by the attorney-client privilege or
12 any other privilege or right recognized by law or (ii) the
13 testimony, documents, or other items concern the
14 representation of employees and the negotiation of
15 collective bargaining agreements by a labor organization
16 authorized and recognized under the Illinois Public Labor
17 Relations Act to be the exclusive bargaining
18 representative of employees of the Secretary of State.
19 Nothing in this Section limits a person's right to
20 protection against self-incrimination under the Fifth
21 Amendment of the United States Constitution or Article I,
22 Section 10, of the Constitution of the State of Illinois.

23 (5) To have direct and prompt access to the Secretary
24 of State for any purpose pertaining to the performance of
25 functions and responsibilities under this Section.

26 (d-5) In addition to the authority otherwise provided by

1 this Section, the Secretary of State Inspector General shall
2 investigate complaints and allegations of wrongdoing related
3 to the Lobbyist Registration Act. When investigating those
4 complaints and allegations, the Inspector General is
5 authorized:

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

11 (2) To request any information or assistance that may
12 be necessary for carrying out the duties and
13 responsibilities provided by this Section from any local,
14 State, or federal governmental agency or unit thereof.

15 (3) To require by subpoena the appearance of witnesses
16 and the production of all information, documents, reports,
17 answers, records, accounts, papers, and other data and
18 documentary evidence necessary in the performance of the
19 functions assigned by this Section. A subpoena may be
20 issued under this paragraph (3) only by the Inspector
21 General and not by members of the Inspector General's
22 staff. A person duly subpoenaed for testimony, documents,
23 or other items who neglects or refuses to testify or
24 produce documents or other items under the requirements of
25 the subpoena shall be subject to punishment as may be
26 determined by a court of competent jurisdiction, unless the

1 testimony, documents, or other items are covered by the
2 attorney-client privilege or any other privilege or right
3 recognized by law. Nothing in this Section limits a
4 person's right to protection against self-incrimination
5 under the Fifth Amendment of the United States Constitution
6 or Section 10 of Article I of the Constitution of the State
7 of Illinois.

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

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

22 The Inspector General may not, after receipt of a complaint
23 or information ~~from an employee~~, disclose the identity of the
24 source ~~employee~~ without the consent of the source ~~employee~~,
25 unless the Inspector General determines that disclosure of the
26 identity is reasonable and necessary for the furtherance of the

1 investigation.

2 Any employee who has the authority to recommend or approve
3 any personnel action or to direct others to recommend or
4 approve any personnel action may not, with respect to that
5 authority, take or threaten to take any action against any
6 employee as a reprisal for making a complaint or disclosing
7 information to the Inspector General, unless the complaint was
8 made or the information disclosed with the knowledge that it
9 was false or with willful disregard for its truth or falsity.

10 (f) The Inspector General must adopt rules, in accordance
11 with the provisions of the Illinois Administrative Procedure
12 Act, establishing minimum requirements for initiating,
13 conducting, and completing investigations. The rules must
14 establish criteria for determining, based upon the nature of
15 the allegation, the appropriate method of investigation, which
16 may include, but is not limited to, site visits, telephone
17 contacts, personal interviews, or requests for written
18 responses. The rules must also clarify how the Office of the
19 Inspector General shall interact with other local, State, and
20 federal law enforcement investigations.

21 Any employee of the Secretary of State subject to
22 investigation or inquiry by the Inspector General or any agent
23 or representative of the Inspector General concerning
24 misconduct that is criminal in nature shall have the right to
25 be notified of the right to remain silent during the
26 investigation or inquiry and the right to be represented in the

1 investigation or inquiry by an attorney or a representative of
2 a labor organization that is the exclusive collective
3 bargaining representative of employees of the Secretary of
4 State. Any investigation or inquiry by the Inspector General or
5 any agent or representative of the Inspector General must be
6 conducted with an awareness of the provisions of a collective
7 bargaining agreement that applies to the employees of the
8 Secretary of State and with an awareness of the rights of the
9 employees as set forth in State and federal law and applicable
10 judicial decisions. Any recommendations for discipline or any
11 action taken against any employee by the Inspector General or
12 any representative or agent of the Inspector General must
13 comply with the provisions of the collective bargaining
14 agreement that applies to the employee.

15 (g) On or before January 1 of each year, the Inspector
16 General shall report to the President of the Senate, the
17 Minority Leader of the Senate, the Speaker of the House of
18 Representatives, and the Minority Leader of the House of
19 Representatives on the types of investigations and the
20 activities undertaken by the Office of the Inspector General
21 during the previous calendar year.

22 (Source: P.A. 93-559, eff. 8-20-03.)

23 Section 15. The General Assembly Staff Assistants Act is
24 amended by adding Section 3 as follows:

1 (25 ILCS 160/3 new)

2 Sec. 3. During the period the General Assembly is in
3 session, each legislative committee clerk, as assigned, shall
4 ensure that any witness slips proffered for committee testimony
5 are entered into an electronic database and posted with bill
6 information on the General Assembly website.

7 Section 20. The Lobbyist Registration Act is amended by
8 changing Sections 2, 3, 3.1, 5, 6, 6.5, 7, 10, and 11 as
9 follows:

10 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

13 (a) "Person" means any individual, firm, partnership,
14 committee, association, corporation, or any other organization
15 or group of persons.

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

23 (c) "Official" means any officer, member, or employee as
24 those terms are defined in the State Officials and Employees

1 Ethics Act.

2 ~~(1) the Governor, Lieutenant Governor, Secretary of~~
3 ~~State, Attorney General, State Treasurer, and State~~
4 ~~Comptroller;~~

5 ~~(2) Chiefs of Staff for officials described in item~~
6 ~~(1);~~

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

10 ~~(4) Members of the General Assembly.~~

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

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

19 (e) "Lobby" and "lobbying" ~~"Lobbying"~~ means any
20 communication with an official of the executive or legislative
21 branch of State government as defined in subsection (c) for the
22 ultimate purpose of influencing any executive, legislative, or
23 administrative action.

24 (f) "Influencing" means any communication, action,
25 reportable expenditure as prescribed in Section 6 or other
26 means used to promote, support, affect, modify, oppose or delay

1 any executive, legislative or administrative action or to
2 promote goodwill with officials as defined in subsection (c).

3 (g) "Executive action" means the proposal, drafting,
4 development, consideration, amendment, adoption, approval,
5 promulgation, issuance, modification, rejection or
6 postponement by a State entity of a rule, regulation, order,
7 decision, determination, contractual arrangement, purchasing
8 agreement or other quasi-legislative or quasi-judicial action
9 or proceeding.

10 (h) "Legislative action" means the development, drafting,
11 introduction, consideration, modification, adoption,
12 rejection, review, enactment, or passage or defeat of any bill,
13 amendment, resolution, report, nomination, administrative rule
14 or other matter by either house of the General Assembly or a
15 committee thereof, or by a legislator. Legislative action also
16 means the action of the Governor in approving or vetoing any
17 bill or portion thereof, and the action of the Governor or any
18 agency in the development of a proposal for introduction in the
19 legislature.

20 (i) "Administrative action" means the execution or
21 rejection of any rule, regulation, legislative rule, standard,
22 fee, rate, contractual arrangement, purchasing agreement or
23 other delegated legislative or quasi-legislative action to be
24 taken or withheld by any executive agency, department, board or
25 commission of the State.

26 (j) "Lobbyist" means any natural person who undertakes to

1 lobby State government as provided in subsection (e).

2 (k) "Lobbying entity" means any entity that hires, retains,
3 employs, or compensates a natural person to lobby State
4 government as provided in subsection (e).

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

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

7 Sec. 3. Persons required to register.

8 (a) Except as provided in Section ~~Sections 4 and 9~~, any
9 natural ~~the following persons shall register with the Secretary~~
10 ~~of State as provided herein: (1) Any person who, for~~
11 ~~compensation or otherwise, undertakes to lobby, or any either~~
12 ~~individually or as an employee or contractual employee of~~
13 ~~another person, undertakes to influence executive, legislative~~
14 ~~or administrative action. (2) Any person or entity who employs~~
15 another person for the purposes of lobbying, shall register
16 with the Secretary of State as provided in this Act, unless
17 that person or entity qualifies for one or more of the
18 following exemptions ~~influencing executive, legislative or~~
19 ~~administrative action.~~

20 (1) Persons or entities who, for the purpose of
21 influencing executive, legislative, or administrative
22 action and who do not make expenditures that are reportable
23 pursuant to Section 6, appear without compensation or
24 promise thereof only as witnesses before committees of the
25 House and Senate for the purpose of explaining or arguing

1 for or against the passage of or action upon any
2 legislation then pending before those committees, or who
3 seek without compensation or promise thereof the approval
4 or veto of any legislation by the Governor.

5 (1.4) A unit of local government or a school district.

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

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

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

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

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

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

1 receiving expense reimbursement for those occasional
2 appearances.

3 (7) Any full-time employee of a bona fide church or
4 religious organization who represents that organization
5 solely for the purpose of protecting the right of the
6 members thereof to practice the religious doctrines of that
7 church or religious organization, or any such bona fide
8 church or religious organization.

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

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

19 (10) Persons or entities who, in the scope of their
20 employment as a vendor, offer or solicit an official for
21 the purchase of any goods or services when (1) the
22 solicitation is limited to either an oral inquiry or
23 written advertisements and informative literature; or (2)
24 the goods and services are subject to competitive bidding
25 requirements of the Illinois Procurement Code; or (3) the
26 goods and services are for sale at a cost not to exceed

1 \$5,000; and (4) the persons or entities do not make
2 expenditures that are reportable under Section 6.

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

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

10 (25 ILCS 170/3.1)

11 Sec. 3.1. Prohibition on serving on boards and commissions.
12 Notwithstanding any other law of this State, on and after
13 February 1, 2004, but not before that date, a person required
14 to be registered under this Act, his or her spouse, and his or
15 her immediate family members living with that person may not
16 serve on a board, commission, authority, or task force
17 authorized or created by State law or by executive order of the
18 Governor if the lobbyist is engaged in the same subject area as
19 defined in Section 5(c-6) as the board or commission; except
20 that this restriction does not apply to any of the following:

21 (1) a registered lobbyist, his or her spouse, or any
22 immediate family member living with the registered
23 lobbyist, who is serving in an elective public office,
24 whether elected or appointed to fill a vacancy; ~~and~~

25 (2) a registered lobbyist, his or her spouse, or any

1 immediate family member living with the registered
2 lobbyist, who is serving on a State advisory body that
3 makes nonbinding recommendations to an agency of State
4 government but does not make binding recommendations or
5 determinations or take any other substantive action; and

6 (3) a registered lobbyist, his or her spouse, or any
7 immediate family member living with the registered
8 lobbyist, if no one in the household is employed by the
9 State at a base salary in excess of 60% of the Governor's
10 salary.

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

12 (25 ILCS 170/5)

13 Sec. 5. Lobbyist registration and disclosure. Every person
14 required to register under Section 3 shall before any service
15 is performed which requires the person to register, but in any
16 event not later than 2 business days after being employed or
17 retained, and on or before each January 31 and July 31
18 thereafter, file in the Office of the Secretary of State a
19 ~~written~~ statement in a format prescribed by the Secretary of
20 State containing the following information with respect to each
21 person or entity employing or retaining the person required to
22 register:

23 (a) The registrant's name, permanent address, e-mail
24 address, if any, fax number, if any, business telephone
25 number, and temporary address, if the registrant has a

1 temporary address while lobbying.

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

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

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

13 (c-5) Each executive and legislative branch agency the
14 registrant expects to lobby during the registration
15 period.

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

1 and (22) other (setting forth the nature of that other
2 business).

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

11 ~~Not later than 12 months after the effective date of this~~
12 ~~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 statements and~~
15 ~~amendments to statements required to be filed shall be filed~~
16 ~~electronically. The Secretary of State shall promptly make all~~
17 ~~filed statements and amendments to statements publicly~~
18 ~~available by means of a searchable database that is accessible~~
19 ~~through the World Wide Web. The Secretary of State shall~~
20 ~~provide all software necessary to comply with this provision to~~
21 ~~all persons required to file. The Secretary of State shall~~
22 ~~implement a plan to provide computer access and assistance to~~
23 ~~persons required to file electronically.~~

24 Persons required to register under this Act prior to July
25 1, 2003, shall remit a single, annual and nonrefundable \$50
26 registration fee. All fees collected for registrations prior to

1 July 1, 2003, shall be deposited into the Lobbyist Registration
2 Administration Fund for administration and enforcement of this
3 Act. Beginning July 1, 2003, all persons other than entities
4 qualified under Section 501(c)(3) of the Internal Revenue Code
5 required to register under this Act shall remit a single,
6 annual, and nonrefundable \$350 registration fee. Entities
7 required to register under this Act which are qualified under
8 Section 501(c)(3) of the Internal Revenue Code shall remit a
9 single, annual, and nonrefundable \$150 registration fee. Each
10 individual required to register under this Act shall submit, on
11 an annual basis, a picture of the registrant. A registrant may,
12 in lieu of submitting a picture on an annual basis, authorize
13 the Secretary of State to use any photo identification
14 available in any database maintained by the Secretary of State
15 for other purposes. Of each registration fee collected for
16 registrations on or after July 1, 2003, \$50 shall be deposited
17 into the Lobbyist Registration Administration Fund for
18 administration and enforcement of this Act and is intended to
19 be used to implement and maintain electronic filing of reports
20 under this Act, the next \$100 shall be deposited into the
21 Lobbyist Registration Administration Fund for administration
22 and enforcement of this Act, and any balance shall be deposited
23 into the General Revenue Fund.

24 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
25 93-617, eff. 12-9-03.)

1 (25 ILCS 170/6) (from Ch. 63, par. 176)

2 Sec. 6. Reports.

3 (a) Lobbyist reports. Except as otherwise provided in this
4 Section, every lobbyist registered under this Act who is solely
5 employed by a lobbying entity ~~person required to register as~~
6 ~~prescribed in Section 3~~ shall file an affirmation report,
7 verified under oath pursuant to Section 1-109 of the Code of
8 Civil Procedure, with ~~to~~ the Secretary of State attesting to
9 the accuracy of any reports filed pursuant to subsection (b) as
10 those reports pertain to work performed by the lobbyist. Any
11 lobbyist registered under this Act who is not solely employed
12 by a lobbying entity shall personally file reports required of
13 lobbying entities pursuant to subsection (b). A lobbyist may,
14 if authorized so to do by a lobbying entity by whom he or she is
15 employed or retained, file lobbying entity reports pursuant to
16 section (b) provided that the lobbying entity may delegate the
17 filing of the lobbying entity report to only one lobbyist in
18 any reporting period ~~all expenditures for lobbying made or~~
19 ~~incurred by the lobbyist on his behalf or the behalf of his~~
20 ~~employer. In the case where an individual is solely employed by~~
21 ~~another person to perform job related functions any part of~~
22 ~~which includes lobbying, the employer shall be responsible for~~
23 ~~reporting all lobbying expenditures incurred on the employer's~~
24 ~~behalf as shall be identified by the lobbyist to the employer~~
25 ~~preceding such report. Persons who contract with another person~~
26 ~~to perform lobbying activities shall be responsible for~~

1 ~~reporting all lobbying expenditures incurred on the employer's~~
2 ~~behalf. Any additional lobbying expenses incurred by the~~
3 ~~employer which are separate and apart from those incurred by~~
4 ~~the contractual employee shall be reported by the employer.~~

5 (b) Lobbying entity reports. Except as otherwise provided
6 in this Section, every lobbying entity registered under this
7 Act shall report all revenues and expenditures related to
8 lobbying. The report shall itemize each individual expenditure
9 or transaction over \$75, shall include an aggregate total for
10 all non-itemized expenditures or transactions, \$100 and shall
11 include the name of the official on whose behalf the
12 expenditure was made, the name of the client on whose behalf
13 the expenditure was made, the total amount of the expenditure,
14 a description of the expenditure, the address and location of
15 the expenditure if the expenditure was for an intangible item
16 such as lodging, the date on which the expenditure occurred and
17 the subject matter of the lobbying activity, if any.

18 The report shall include the names and addresses of all
19 clients who retained the lobbying entity together with an
20 itemized description for each client of the following: (1)
21 lobbying regarding executive action, including the name of any
22 agency lobbied, the names of any officials lobbied, the
23 specific subject matter discussed with each agency or official,
24 and the total amount billed to the client, together with
25 subtotals for professional services and reimbursements; (2)
26 lobbying regarding legislative action, including the names of

1 any officials lobbied, the specific subject matter discussed,
2 including bill numbers when available, and the total amount
3 billed to the client, together with subtotals for professional
4 services and reimbursements; and (3) lobbying regarding
5 administrative action, including the specific subject matter
6 and the total billed to the client, including subtotals for
7 professional services and reimbursements. Registrants who made
8 no reportable expenditures during a reporting period shall file
9 a report stating that no expenditures were incurred.

10 Expenditures attributable to lobbying officials shall be
11 listed and reported according to the following categories:

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

13 (2) meals, beverages and other entertainment.

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

16 (4) honoraria.

17 (5) any other thing or service of value not listed
18 under categories (1) through (4), setting forth a
19 description of the expenditure. The category travel and
20 lodging includes, but is not limited to, all travel and
21 living accommodations made for or on behalf of State
22 officials in the State capital during sessions of the
23 General Assembly.

24 ~~Individual expenditures required to be reported as~~
25 ~~described herein which are equal to or less than \$100 in value~~
26 ~~need not be itemized but are required to be categorized and~~

1 ~~reported by officials in an aggregate total in a manner~~
2 ~~prescribed by rule of the Secretary of State.~~

3 (b-3) Expenditures incurred for hosting receptions,
4 benefits and other large gatherings held for purposes of
5 goodwill or otherwise to influence executive, legislative or
6 administrative action to which there are 25 or more State
7 officials invited shall be reported listing only the total
8 amount of the expenditure, the date of the event, and the
9 estimated number of officials in attendance.

10 (b-5) Each individual expenditure required to be reported
11 shall include all expenses made for or on behalf of State
12 officials and their immediate family members ~~of the immediate~~
13 ~~family of those persons.~~

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

18 (b-7) Matters excluded from reports. Reasonable and bona
19 fide expenditures made by the registrant who is a member of a
20 legislative or State study commission or committee while
21 attending and participating in meetings and hearings of such
22 commission or committee need not be reported.

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

26 ~~Salaries, fees, and other compensation~~ paid to a lobbyist

1 ~~the registrant~~ for the purposes of lobbying need not be
2 reported, but total billings by lobbying entities or, if the
3 lobbyist was personally employed by more than one lobbying
4 entity, to clients shall be included in the report.
5 Expenditures made for activities covered in items (1) through
6 (10) of Section 3(a) may be excluded from the report.

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

9 ~~The report shall include: (1) the name of each State~~
10 ~~government entity lobbied; (2) whether the lobbying involved~~
11 ~~executive, legislative, or administrative action, or a~~
12 ~~combination; (3) the names of the persons who performed the~~
13 ~~lobbyist services; and (4) a brief description of the~~
14 ~~legislative, executive, or administrative action involved.~~

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

18 ~~A gift or honorarium returned or reimbursed to the~~
19 ~~registrant within 10 days after the official receives a copy of~~
20 ~~a report pursuant to Section 6.5 shall not be included in the~~
21 ~~final report unless the registrant informed the official,~~
22 ~~contemporaneously with the receipt of the gift or honorarium,~~
23 ~~that the gift or honorarium is a reportable expenditure~~
24 ~~pursuant to this Act.~~

25 (c) ~~Reports under this Section shall be filed by July 31,~~
26 ~~for expenditures from the previous January 1 through the later~~

1 ~~of June 30 or the final day of the regular General Assembly~~
2 ~~session, and by January 31, for expenditures from the entire~~
3 ~~previous calendar year.~~

4 ~~Registrants who made no reportable expenditures during a~~
5 ~~reporting period shall file a report stating that no~~
6 ~~expenditures were incurred. Such reports shall be filed in~~
7 ~~accordance with the deadlines as prescribed in this subsection.~~

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

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

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

24 (e) Within 30 days after a filing deadline, the lobbyist
25 shall notify each official on whose behalf an expenditure has
26 been reported. Notification shall include the name of the

1 registrant, the total amount of the expenditure, a description
2 of the expenditure, the date on which the expenditure occurred,
3 and the subject matter of the lobbying activity.

4 (f) Lobbyist and lobbying entity reports shall be filed by
5 July 31, for the period January 1 through June 30 immediately
6 preceding, and by January 31 for the period July 1 through
7 December 31 immediately preceding. A report filed under this
8 Act is due in the Office of the Secretary of State no later
9 than the close of business on the date on which it is required
10 to be filed.

11 (g) All reports filed under this Act shall be filed in a
12 format or on forms prescribed by the Secretary of State.

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

14 (25 ILCS 170/6.5)

15 Sec. 6.5. Disposition of Gifts ~~Response to report by~~
16 ~~official.~~

17 (a) Every person required to register as prescribed in
18 Section 3 and required to file a report with the Secretary of
19 State as prescribed in Section 6 shall, at least 25 days before
20 filing the report, provide a copy of the report to each
21 official listed in the report by first class mail or hand
22 delivery. An official may, within 10 days after receiving the
23 copy of the report, provide written objections to the report by
24 first class mail or hand delivery to the person required to
25 file the report. If those written objections conflict with the

1 final report that is filed, the written objections shall be
2 filed along with the report.

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

19 (c) Failure to provide a copy of the report to an official
20 listed in the report within the time designated in this Section
21 is a violation of this Act.

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

23 (25 ILCS 170/7) (from Ch. 63, par. 177)

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

25 (a) It shall be the duty of the Secretary of State to

1 provide appropriate forms for the registration and reporting of
2 information required by this Act and to keep such registrations
3 and reports on file in his office for 3 years from the date of
4 filing. He shall also provide and maintain a register with
5 appropriate blanks and indexes so that the information required
6 in Sections 5 and 6 of this Act may be accordingly entered.
7 Such records shall be considered public information and open to
8 public inspection.

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

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

15 (c) The Secretary of State shall provide adequate software
16 to the persons required to file under this Act, and all
17 registrations, reports, statements, and amendments required to
18 be filed shall be filed electronically. ~~Not later than 12~~
19 ~~months after the effective date of this amendatory Act of the~~
20 ~~93rd General Assembly, or as soon thereafter as the Secretary~~
21 ~~of State has provided adequate software to the persons required~~
22 ~~to file, all reports required under this Act shall be filed~~
23 ~~electronically.~~ The Secretary of State shall promptly make all
24 filed reports publicly available by means of a searchable
25 database that is accessible through the World Wide Web. The
26 Secretary of State shall provide all software necessary to

1 comply with this provision to all persons required to file. The
2 Secretary of State shall implement a plan to provide computer
3 access and assistance to persons required to file
4 electronically.

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

10 (e) The Secretary of State shall receive and investigate
11 allegations of violations of this Act. Any employee of the
12 Secretary of State who receives an allegation shall immediately
13 transmit it to the Secretary of State Inspector General.

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

15 (25 ILCS 170/10) (from Ch. 63, par. 180)

16 Sec. 10. Penalties.

17 (a) Any person who violates any of the provisions of this
18 Act shall be guilty of a business offense and shall be fined
19 not more than \$10,000 for each violation. Every day that a
20 report or registration is late shall constitute a separate
21 violation. In determining the appropriate fine for each
22 violation, the trier of fact shall consider the scope of the
23 entire lobbying project, the nature of activities conducted
24 during the time the person was in violation of this Act, and
25 whether or not the violation was intentional or unreasonable.

1 (b) In addition to the penalties provided for in subsection
2 (a) of this Section, any person convicted of any violation of
3 any provision of this Act is prohibited for a period of three
4 years from the date of such conviction from lobbying.

5 (c) There is created in the State treasury a special fund
6 to be known as the Lobbyist Registration Administration Fund.
7 All fines collected in the enforcement of this Section shall be
8 deposited into the Fund. These funds shall, subject to
9 appropriation, be used by the Office of the Secretary of State
10 for implementation and administration of this Act.

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

12 (25 ILCS 170/11) (from Ch. 63, par. 181)

13 Sec. 11. Enforcement ~~Venue~~.

14 (a) The Secretary of State Inspector General appointed
15 under Section 14 of the Secretary of State Act shall initiate
16 investigations of violations of this Act upon receipt of an
17 allegation. If the Inspector General finds credible evidence of
18 a violation, he or she shall make the information available to
19 the public and transmit copies of the evidence to the alleged
20 violation. If the violator does not correct the violation within
21 30 days, the Inspector General shall transmit the full record
22 of the investigation to any appropriate State's Attorney or to
23 the Attorney General.

24 (b) Any violation of this Act may be prosecuted in the
25 county where the offense is committed or in Sangamon County. In

1 addition to the State's Attorney of the appropriate county, the
2 Attorney General of Illinois also is authorized to prosecute
3 any violation of this Act.

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

5 (25 ILCS 170/4 rep.)

6 Section 25. The Lobbyist Registration Act is amended by
7 repealing Section 4.