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1 AMENDMENT TO SENATE BILL 761

2 AMENDMENT NO. _____. Amend Senate Bill 761 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing
5 Section 9-35 as follows:

6 (10 ILCS 5/9-35)

7 Sec. 9-35. Registration of business entities.

8 (a) This Section governs the procedures for the
9 registration required under Section 20-160 of the Illinois
10 Procurement Code.

11 For the purposes of this Section, the terms "officeholder",
12 "State contract", "business entity", "State agency",
13 "affiliated entity", and "affiliated person" have the meanings
14 ascribed to those terms in Section 50-37 of the Illinois
15 Procurement Code.

16 (b) Registration under Section 20-160 of the Illinois

1 Procurement Code, and any changes to that registration, must be
2 made electronically, and the ~~The~~ State Board of Elections by
3 rule shall provide for electronic registration; except that the
4 State Board may adopt emergency rules providing for a temporary
5 filing system, effective through August 1, 2009, under which
6 business entities must file the required registration forms
7 provided by the Board via e-mail attachment in a PDF file or
8 via another type of mail service and must receive from the
9 State Board registration certificates via e-mail or paper
10 registration certificates. The State Board shall retain the
11 registrations submitted by business entities via e-mail or
12 another type of mail service for at least 6 months following
13 the establishment of the electronic registration system
14 required by this subsection.

15 Each registration, ~~which~~ must contain substantially the
16 following:

17 (1) The name and address of the business entity.

18 (2) The name and address of any affiliated entity of
19 the business entity, including a description of the
20 affiliation.

21 (3) The name and address of any affiliated person of
22 the business entity, including a description of the
23 affiliation.

24 (c) The Board shall provide a certificate of registration
25 to the business entity. The certificate shall be electronic, and
26 except as otherwise provided in this Section, and accessible to

1 the business entity through the State Board of Elections'
2 website and protected by a password. Within 60 days after
3 establishment of the electronic system, each business entity
4 that submitted a registration via e-mail attachment or paper
5 copy pursuant to this Section shall re-submit its registration
6 electronically. At the time of re-submission, the State Board
7 of Elections shall provide an electronic certificate of
8 registration to that business entity.

9 (d) Any business entity required to register under Section
10 20-160 of the Illinois Procurement Code shall provide a copy of
11 the registration certificate, by first class mail or hand
12 delivery within 10 days after registration, to each affiliated
13 entity or affiliated person whose identity is required to be
14 disclosed. Failure to provide notice to an affiliated entity or
15 affiliated person is a business offense for which the business
16 entity is subject to a fine not to exceed \$1,001.

17 (e) In addition to any penalty under Section 20-160 of the
18 Illinois Procurement Code, intentional, willful, or material
19 failure to disclose information required for registration is
20 subject to a civil penalty imposed by the State Board of
21 Elections. The State Board shall impose a civil penalty of
22 \$1,000 per business day for failure to update a registration.

23 (f) Any business entity required to register under Section
24 20-160 of the Illinois Procurement Code shall notify any
25 political committee to which it makes a contribution, at the
26 time of the contribution, that the business entity is

1 registered with the State Board of Elections under Section
2 20-160 of the Illinois Procurement Code. Any affiliated entity
3 or affiliated person of a business entity required to register
4 under Section 20-160 of the Illinois Procurement Code shall
5 notify any political committee to which it makes a contribution
6 that it is affiliated with a business entity registered with
7 the State Board of Elections under Section 20-160 of the
8 Illinois Procurement Code.

9 (g) The State Board of Elections on its official website
10 shall have a searchable database containing (i) all information
11 required to be submitted to the Board under Section 20-160 of
12 the Illinois Procurement Code and (ii) all reports filed under
13 this Article with the State Board of Elections by all political
14 committees. For the purposes of databases maintained by the
15 State Board of Elections, "searchable" means able to search by
16 "political committee", as defined in this Article, and by
17 "officeholder", "State agency", "business entity", "affiliated
18 entity", and "affiliated person". The Board shall not place the
19 name of a minor child on the website. However, the Board shall
20 provide a link to all contributions made by anyone reporting
21 the same residential address as any affiliated person. In
22 addition, the State Board of Elections on its official website
23 shall provide an electronic connection to any searchable
24 database of State contracts maintained by the Comptroller,
25 searchable by business entity.

26 (h) The State Board of Elections shall have rulemaking

1 authority to implement this Section.

2 (Source: P.A. 95-971, eff. 1-1-09.)

3 Section 10. The Illinois Procurement Code is amended by
4 changing Section 50-37 as follows:

5 (30 ILCS 500/50-37)

6 Sec. 50-37. Prohibition of political contributions.

7 (a) As used in this Section:

8 The terms "contract", "State contract", and "contract
9 with a State agency" each mean any contract, as defined in
10 this Code, between a business entity and a State agency let
11 or awarded pursuant to this Code. The terms "contract",
12 "State contract", and "contract with a State agency" do not
13 include cost reimbursement contracts; purchase of care
14 agreements as defined in Section 1-15.68 of this Code;
15 contracts for projects eligible for full or partial
16 federal-aid funding reimbursements authorized by the
17 Federal Highway Administration; grants, including but are
18 not limited to grants for job training or transportation;
19 and grants, loans, or tax credit agreements for economic
20 development purposes.

21 "Contribution" means a contribution as defined in
22 Section 9-1.4 of the Election Code.

23 "Declared candidate" means a person who has filed a
24 statement of candidacy and petition for nomination or

1 election in the principal office of the State Board of
2 Elections.

3 "State agency" means and includes all boards,
4 commissions, agencies, institutions, authorities, and
5 bodies politic and corporate of the State, created by or in
6 accordance with the Illinois Constitution or State
7 statute, of the executive branch of State government and
8 does include colleges, universities, public employee
9 retirement systems, and institutions under the
10 jurisdiction of the governing boards of the University of
11 Illinois, Southern Illinois University, Illinois State
12 University, Eastern Illinois University, Northern Illinois
13 University, Western Illinois University, Chicago State
14 University, Governors State University, Northeastern
15 Illinois University, and the Illinois Board of Higher
16 Education.

17 "Officeholder" means the Governor, Lieutenant
18 Governor, Attorney General, Secretary of State,
19 Comptroller, or Treasurer. The Governor shall be
20 considered the officeholder responsible for awarding all
21 contracts by all officers and employees of, and vendors and
22 others doing business with, executive branch State
23 agencies under the jurisdiction of the Executive Ethics
24 Commission and not within the jurisdiction of the Attorney
25 General, the Secretary of State, the Comptroller, or the
26 Treasurer.

1 "Sponsoring entity" means a sponsoring entity as
2 defined in Section 9-3 of the Election Code.

3 "Affiliated person" means (i) any person with any
4 ownership interest or distributive share of the bidding or
5 contracting business entity in excess of 7.5%, (ii)
6 executive employees of the bidding or contracting business
7 entity, and (iii) the spouse and minor children of any such
8 persons.

9 "Affiliated entity" means (i) any subsidiary of the
10 bidding or contracting business entity, (ii) any member of
11 the same unitary business group, (iii) any organization
12 recognized by the United States Internal Revenue Service as
13 a tax-exempt organization described in Section 501(c) of
14 the Internal Revenue Code of 1986 (or any successor
15 provision of federal tax law) established by the bidding or
16 contracting business entity, any affiliated entity of that
17 business entity, or any affiliated person of that business
18 entity, or (iv) any political committee for which the
19 bidding or contracting business entity, or any 501(c)
20 organization described in item (iii) related to that
21 business entity, is the sponsoring entity.

22 "Business entity" means any entity doing business for
23 profit, whether organized as a corporation, partnership,
24 sole proprietorship, limited liability company or
25 partnership, or otherwise.

26 "Executive employee" means the President, Chairman,

1 Chief Executive Officer, or other employee with executive
2 decision-making authority over the long-term and
3 day-to-day affairs of the entity employing the employee, or
4 an employee whose compensation is determined directly, in
5 whole or in part, by the award or payment of contracts by a
6 State agency to the entity employing the employee.

7 (b) Any business entity whose contracts with State
8 agencies, in the aggregate, annually total more than \$50,000,
9 and any affiliated entities or affiliated persons of such
10 business entity, are prohibited from making any contributions
11 to any political committees established to promote the
12 candidacy of (i) the officeholder responsible for awarding the
13 contracts or (ii) any other declared candidate for that office.
14 This prohibition shall be effective for the duration of the
15 term of office of the incumbent officeholder awarding the
16 contracts or for a period of 2 years following the expiration
17 or termination of the contracts, whichever is longer.

18 (c) Any business entity whose aggregate pending bids and
19 proposals on State contracts total more than \$50,000, or whose
20 aggregate pending bids and proposals on State contracts
21 combined with the business entity's aggregate annual total
22 value of State contracts exceed \$50,000, and any affiliated
23 entities or affiliated persons of such business entity, are
24 prohibited from making any contributions to any political
25 committee established to promote the candidacy of the
26 officeholder responsible for awarding the contract on which the

1 business entity has submitted a bid or proposal during the
2 period beginning on the date the invitation for bids or request
3 for proposals is issued and ending on the day after the date
4 the contract is awarded.

5 (d) All contracts between State agencies and a business
6 entity that violate subsection (b) or (c) shall be voidable
7 under Section 50-60. If a business entity violates subsection
8 (b) 3 or more times within a 36-month period, then all
9 contracts between State agencies and that business entity shall
10 be void, and that business entity shall not bid or respond to
11 any invitation to bid or request for proposals from any State
12 agency or otherwise enter into any contract with any State
13 agency for 3 years from the date of the last violation. A
14 notice of each violation and the penalty imposed shall be
15 published in both the Procurement Bulletin and the Illinois
16 Register.

17 (e) Any political committee that has received a
18 contribution in violation of subsection (b) or (c) shall pay an
19 amount equal to the value of the contribution to the State no
20 more than 30 days after notice of the violation concerning the
21 contribution appears in the Illinois Register. Payments
22 received by the State pursuant to this subsection shall be
23 deposited into the general revenue fund.

24 (Source: P.A. 95-971, eff. 1-1-09.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".