



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0736

Introduced 2/6/2009, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

5 ILCS 430/5-47 new	
5 ILCS 430/50-5	
25 ILCS 160/3 new	
25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/3.5 new	
25 ILCS 170/5	
25 ILCS 170/6	from Ch. 63, par. 176
25 ILCS 170/6.5	
25 ILCS 170/7	from Ch. 63, par. 177
25 ILCS 170/10	from Ch. 63, par. 180
25 ILCS 170/10.5 new	
25 ILCS 170/4 rep.	
25 ILCS 170/11 rep.	

Amends the State Officials and Employees Ethics Act, the General Assembly Staff Assistants Act, and the Lobbyist Registration Act. Makes changes concerning: lobbying revolving door prohibition for State employees; website posting of legislative committee witness slips; registration requirements and exemptions for lobbyists and lobbying entities; disclosure of employment or retention of lobbyists by units of local government and school districts; reports by lobbyists and lobbying entities; gifts from lobbyists and lobbying entities to elected State officials and State employees; and investigation of and penalties for violations of the Lobbyist Registration Act.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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. No State employee may
9 accept compensation or other employment as a lobbyist
10 representing clients before any State agency for which the
11 employee worked for one year from the date the employee left
12 that agency.

13 (5 ILCS 430/50-5)

14 Sec. 50-5. Penalties.

15 (a) A person is guilty of a Class A misdemeanor if that
16 person intentionally violates any provision of Section 5-15,
17 5-30, 5-40, ~~or~~ 5-45, or 5-47 or Article 15.

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

21 (c) A person who intentionally violates any provision of
22 Article 10 is guilty of a business offense and subject to a

1 fine of at least \$1,001 and up to \$5,000.

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

7 (e) An ethics commission may levy an administrative fine of
8 up to \$5,000 against any person who violates this Act, who
9 intentionally obstructs or interferes with an investigation
10 conducted under this Act by an inspector general, or who
11 intentionally makes a false, frivolous, or bad faith
12 allegation.

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

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

20 Section 10. The General Assembly Staff Assistants Act is
21 amended by adding Section 3 as follows:

22 (25 ILCS 160/3 new)

23 Sec. 3. Posting of witness slips. During the period the
24 General Assembly is in session, each legislative committee

1 clerk, as assigned, shall ensure that any witness slips
2 proffered for committee testimony are entered into an
3 electronic database and posted with bill information on the
4 General Assembly website.

5 Section 15. The Lobbyist Registration Act is amended by
6 changing Sections 2, 3, 5, 6, 6.5, 7, and 10 and by adding
7 Sections 3.5 and 10.5 as follows:

8 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

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

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

21 (c) "Official" means any officer, member, or employee as
22 those terms are defined in the State Officials and Employees
23 Ethics Act.÷

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

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

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

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

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

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

26 (k) "Lobbying entity" means any entity that hires, retains,

1 employs, or compensates a natural person to lobby State
2 government as provided in subsection (e).

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

4 (25 ILCS 170/3) (from Ch. 63, par. 173)

5 Sec. 3. Persons required to register.

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

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

1 seek without compensation or promise thereof the approval
2 or veto of any legislation by the Governor.

3 (1.4) A unit of local government or a school district.

4 (1.5) An elected or appointed official or an employee
5 of a unit of local government or school district who, in
6 the scope of his or her public office or employment, seeks
7 to influence executive, legislative, or administrative
8 action exclusively on behalf of that unit of local
9 government or school district.

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

25 (3) Persons or entities performing professional
26 services in drafting bills or in advising and rendering

1 opinions to clients as to the construction and effect of
2 proposed or pending legislation when those professional
3 services are not otherwise, directly or indirectly,
4 connected with executive, legislative, or administrative
5 action.

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

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

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

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

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

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

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

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

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

8 (25 ILCS 170/3.5 new)

9 Sec. 3.5. Local government and school district
 10 acknowledgement.

11 (a) Any unit of local government or school district that
 12 claims exemption from registration under Section 3(a)(1.4)
 13 shall file an acknowledgement with the Secretary of State.

14 (b) The acknowledgement shall contain the following
 15 information in substantially the following form:

16 ACKNOWLEDGEMENT

17 (1)....., a [unit of local government or
 18 school district], hereby acknowledges that it has engaged
 19 the following lobbyists for the following purposes
 20to lobby [name or names of
 21 State executive or legislative agencies or offices the
 22 lobbyist is to lobby] regarding

23
 24
 25 [a brief description of the executive, legislative, or

1 administrative action in reference to which the service is
2 rendered, including bill numbers where available]

3 (2) The unit or district pledges to provide at least as
4 much information about these relationships as is required
5 by the Lobbyist Registration Act under the terms of the
6 Freedom of Information Act (FOIA). The unit's or district's
7 FOIA compliance officer is His or
8 her mailing address is His or her
9 telephone number is

10

11 His or her fax number is

12

13 His or her e mail address is

14

15 (3) The head of the unit or district under FOIA (for
16 appeals purposes) is

17

18 His or her mailing address is

19

20

21

22 His or her telephone number is

23

24 His or her fax number is

25

26 His or her e mail address is

1
 2 The acknowledgement shall be signed and dated by the
 3 chief executive officer of the unit of local government or
 4 school district.

5 (c) An acknowledgement shall be filed not later than 2
 6 business days after the unit or district employs or retains a
 7 registrant. The filing unit or district shall amend the
 8 acknowledgement within 14 calendar days after any substantial
 9 changes or additions in order to report those changes or
 10 additions, except that an amendment to acknowledge a new
 11 agreement to retain or employ a registrant for lobbying
 12 services shall be filed before any services that require the
 13 person to register are performed, but in any event not later
 14 than 2 business days after entering into the agreement.

15 For the purpose of this Section, a substantial change to an
 16 acknowledgement means an addition to or deletion from, or a
 17 change in the identity of, a lobbyist, lobbying entity, Freedom
 18 of Information Act compliance officer, or head of the unit or
 19 district under the Freedom of Information Act (for appeals
 20 purposes). Changes in contact information, such as mailing
 21 addresses or telephone or fax numbers, do not constitute a
 22 substantial change requiring a new filing.

23 (d) There shall be no fee for filing an acknowledgement.
 24 Violators of this Section, however, may be assessed penalties
 25 under Section 10.

1 (25 ILCS 170/5)

2 Sec. 5. Lobbyist registration and disclosure. Every person
3 required to register under Section 3 shall before any service
4 is performed which requires the person to register, but in any
5 event not later than 2 business days after being employed or
6 retained, and on or before each January 31 and July 31
7 thereafter, file in the Office of the Secretary of State a
8 ~~written~~ statement in a format prescribed by the Secretary of
9 State containing the following information with respect to each
10 person or entity employing or retaining the person required to
11 register:

12 (a) The registrant's name, permanent address, e-mail
13 address, if any, fax number, if any, business telephone
14 number, and temporary address, if the registrant has a
15 temporary address while lobbying.

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

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

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

1 (c-5) Each executive and legislative branch agency the
2 registrant expects to lobby during the registration
3 period.

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

17 The registrant must file an amendment to the statement
18 within 14 calendar days to report any substantial change or
19 addition to the information previously filed, except that a
20 registrant must file an amendment to the statement to disclose
21 a new agreement to retain the registrant for lobbying services
22 before any service is performed which requires the person to
23 register, but in any event not later than 2 business days after
24 entering into the retainer agreement.

25 ~~Not later than 12 months after the effective date of this~~
26 ~~amendatory Act of the 93rd General Assembly, or as soon~~

1 ~~thereafter as the Secretary of State has provided adequate~~
2 ~~software to the persons required to file, all statements and~~
3 ~~amendments to statements required to be filed shall be filed~~
4 ~~electronically. The Secretary of State shall promptly make all~~
5 ~~filed statements and amendments to statements publicly~~
6 ~~available by means of a searchable database that is accessible~~
7 ~~through the World Wide Web. The Secretary of State shall~~
8 ~~provide all software necessary to comply with this provision to~~
9 ~~all persons required to file. The Secretary of State shall~~
10 ~~implement a plan to provide computer access and assistance to~~
11 ~~persons required to file electronically.~~

12 Persons required to register under this Act prior to July
13 1, 2003, shall remit a single, annual and nonrefundable \$50
14 registration fee. All fees collected for registrations prior to
15 July 1, 2003, shall be deposited into the Lobbyist Registration
16 Administration Fund for administration and enforcement of this
17 Act. Beginning July 1, 2003, all persons other than entities
18 qualified under Section 501(c)(3) of the Internal Revenue Code
19 required to register under this Act shall remit a single,
20 annual, and nonrefundable \$350 registration fee. Entities
21 required to register under this Act which are qualified under
22 Section 501(c)(3) of the Internal Revenue Code shall remit a
23 single, annual, and nonrefundable \$150 registration fee. Each
24 individual required to register under this Act shall submit, on
25 an annual basis, a picture of the registrant. A registrant may,
26 in lieu of submitting a picture on an annual basis, authorize

1 the Secretary of State to use any photo identification
2 available in any database maintained by the Secretary of State
3 for other purposes. Of each registration fee collected for
4 registrations on or after July 1, 2003, \$50 shall be deposited
5 into the Lobbyist Registration Administration Fund for
6 administration and enforcement of this Act and is intended to
7 be used to implement and maintain electronic filing of reports
8 under this Act, the next \$100 shall be deposited into the
9 Lobbyist Registration Administration Fund for administration
10 and enforcement of this Act, and any balance shall be deposited
11 into the General Revenue Fund.

12 (Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03;
13 93-617, eff. 12-9-03.)

14 (25 ILCS 170/6) (from Ch. 63, par. 176)

15 Sec. 6. Reports.

16 (a) Lobbyist reports. Except as otherwise provided in this
17 Section, every lobbyist registered under this Act who is solely
18 employed by a lobbying entity ~~person required to register as~~
19 ~~prescribed in Section 3~~ shall file an affirmation report,
20 verified under oath pursuant to Section 1-109 of the Code of
21 Civil Procedure, with ~~to~~ the Secretary of State attesting to
22 the accuracy of any reports filed pursuant to subsection (b) as
23 those reports pertain to work performed by the lobbyist. Any
24 lobbyist registered under this Act who is not solely employed
25 by a lobbying entity shall personally file reports required of

1 lobbying entities pursuant to subsection (b). A lobbyist may,
2 if authorized so to do by a lobbying entity by whom he or she is
3 employed or retained, file lobbying entity reports pursuant to
4 section (b) provided that the lobbying entity may delegate the
5 filing of the lobbying entity report to only one lobbyist in
6 any reporting period ~~all expenditures for lobbying made or~~
7 ~~incurred by the lobbyist on his behalf or the behalf of his~~
8 ~~employer. In the case where an individual is solely employed by~~
9 ~~another person to perform job related functions any part of~~
10 ~~which includes lobbying, the employer shall be responsible for~~
11 ~~reporting all lobbying expenditures incurred on the employer's~~
12 ~~behalf as shall be identified by the lobbyist to the employer~~
13 ~~preceding such report. Persons who contract with another person~~
14 ~~to perform lobbying activities shall be responsible for~~
15 ~~reporting all lobbying expenditures incurred on the employer's~~
16 ~~behalf. Any additional lobbying expenses incurred by the~~
17 ~~employer which are separate and apart from those incurred by~~
18 ~~the contractual employee shall be reported by the employer.~~

19 (b) Lobbying entity reports. Except as otherwise provided
20 in this Section, every lobbying entity registered under this
21 Act shall report all revenues and expenditures related to
22 lobbying. The report shall itemize each individual expenditure
23 or transaction over \$75, shall include an aggregate total for
24 all non-itemized expenditures or transactions, \$100 and shall
25 include the name of the official on whose behalf the
26 expenditure was made, the name of the client on whose behalf

1 the expenditure was made, the total amount of the expenditure,
2 a description of the expenditure, the address and location of
3 the expenditure if the expenditure was for an intangible item
4 such as lodging, the date on which the expenditure occurred and
5 the subject matter of the lobbying activity, if any.

6 The report shall include the names and addresses of all
7 clients who retained the lobbying entity together with an
8 itemized description for each client of the following: (1)
9 lobbying regarding executive action, including the name of any
10 agency lobbied, the names of any officials lobbied, the
11 specific subject matter discussed with each agency or official,
12 and the total amount billed to the client, together with
13 subtotals for professional services and reimbursements; (2)
14 lobbying regarding legislative action, including the names of
15 any officials lobbied, the specific subject matter discussed,
16 including bill numbers when available, and the total amount
17 billed to the client, together with subtotals for professional
18 services and reimbursements; and (3) lobbying regarding
19 administrative action, including the specific subject matter
20 and the total billed to the client, including subtotals for
21 professional services and reimbursements. Registrants who made
22 no reportable expenditures during a reporting period shall file
23 a report stating that no expenditures were incurred.

24 Expenditures attributable to lobbying officials shall be
25 listed and reported according to the following categories:

- 26 (1) travel and lodging on behalf of others.

1 (2) meals, beverages and other entertainment.

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

4 (4) honoraria.

5 (5) any other thing or service of value not listed
6 under categories (1) through (4), setting forth a
7 description of the expenditure. The category travel and
8 lodging includes, but is not limited to, all travel and
9 living accommodations made for or on behalf of State
10 officials in the State capital during sessions of the
11 General Assembly.

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

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

24 (b-5) Each individual expenditure required to be reported
25 shall include all expenses made for or on behalf of State
26 officials and their immediate family members ~~of the immediate~~

1 ~~family of those persons.~~

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

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

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

14 ~~Salaries, fees, and other compensation~~ paid to a lobbyist
15 ~~the registrant~~ for the purposes of lobbying need not be
16 reported, but total billings by lobbying entities or, if the
17 lobbyist was personally employed by more than one lobbying
18 entity, to clients shall be included in the report.
19 Expenditures made for activities covered in items (1) through
20 (10) of Section 3(a) may be excluded from the report.

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

23 ~~The report shall include: (1) the name of each State~~
24 ~~government entity lobbied; (2) whether the lobbying involved~~
25 ~~executive, legislative, or administrative action, or a~~
26 ~~combination; (3) the names of the persons who performed the~~

1 ~~lobbyist services; and (4) a brief description of the~~
2 ~~legislative, executive, or administrative action involved.~~

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

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

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

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

22 A registrant who terminates employment or duties which
23 required him to register under this Act shall give the
24 Secretary of State, within 30 days after the date of such
25 termination, written notice of such termination and shall
26 include therewith a report of the revenues and expenditures

1 described herein, covering the period of time since the filing
2 of his last report to the date of termination of employment.
3 Such notice and report shall be final and relieve such
4 registrant of further reporting under this Act, unless and
5 until he later takes employment or assumes duties requiring him
6 to again register under this Act.

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

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

12 (e) Within 30 days after a filing deadline, the lobbyist
13 shall notify each official on whose behalf an expenditure has
14 been reported. Notification shall include the name of the
15 registrant, the total amount of the expenditure, a description
16 of the expenditure, the date on which the expenditure occurred,
17 and the subject matter of the lobbying activity.

18 (f) Lobbyist and lobbying entity reports shall be filed by
19 July 31, for the period January 1 through June 30 immediately
20 preceding, and by January 31 for the period July 1 through
21 December 31 immediately preceding. A report filed under this
22 Act is due in the Office of the Secretary of State no later
23 than the close of business on the date on which it is required
24 to be filed.

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

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

2 (25 ILCS 170/6.5)

3 Sec. 6.5. Disposition of gifts ~~Response to report by~~
4 ~~official.~~

5 (a) Every person required to register as prescribed in
6 Section 3 and required to file a report with the Secretary of
7 State as prescribed in Section 6 shall, at least 25 days before
8 filing the report, provide a copy of the report to each
9 official listed in the report by first class mail or hand
10 delivery. An official may, within 10 days after receiving the
11 copy of the report, provide written objections to the report by
12 first class mail or hand delivery to the person required to
13 file the report. If those written objections conflict with the
14 final report that is filed, the written objections shall be
15 filed along with the report.

16 (b) If an official who receives a gift from a lobbyist or
17 lobbying entity returned the gift, reimbursed the giver for the
18 gift, donated the gift to charity, or otherwise surrendered
19 possession of the gift to a person or entity outside of his or
20 her household, then the official shall return a copy of the
21 report supplied to the official under Section 6 to the
22 Secretary of State indicating the disposition of the gift.
23 Reports filed pursuant to this Section shall be filed with the
24 Secretary of State by September 1, for gifts received during
25 the period January 1 through June 30 immediately preceding, or

1 by March 1, for gifts received during the period July 1 to
2 December 31 immediately preceding. Reports filed pursuant to
3 this Section shall not be admissible as evidence of a violation
4 of Article 10 of the State Officials and Employees Ethics Act,
5 provided that the gifts were disposed of in accordance with
6 Section 10-30 of the State Officials and Employees Ethics Act.

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

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

11 (25 ILCS 170/7) (from Ch. 63, par. 177)

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

13 (a) It shall be the duty of the Secretary of State to
14 provide appropriate forms for the registration and reporting of
15 information required by this Act and to keep such registrations
16 and reports on file in his office for 3 years from the date of
17 filing. He shall also provide and maintain a register with
18 appropriate blanks and indexes so that the information required
19 in Sections 5 and 6 of this Act may be accordingly entered.
20 Such records shall be considered public information and open to
21 public inspection.

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

25 (b) Within 10 days after a filing deadline, the Secretary

1 of State shall notify persons he determines are required to
2 file but have failed to do so.

3 (c) The Secretary of State shall provide adequate software
4 to the persons required to file under this Act, and all
5 registrations, reports, statements, and amendments required to
6 be filed shall be filed electronically. ~~Not later than 12~~
7 ~~months after the effective date of this amendatory Act of the~~
8 ~~93rd General Assembly, or as soon thereafter as the Secretary~~
9 ~~of State has provided adequate software to the persons required~~
10 ~~to file, all reports required under this Act shall be filed~~
11 ~~electronically.~~ The Secretary of State shall promptly make all
12 filed reports publicly available by means of a searchable
13 database that is accessible through the World Wide Web. The
14 Secretary of State shall provide all software necessary to
15 comply with this provision to all persons required to file. The
16 Secretary of State shall implement a plan to provide computer
17 access and assistance to persons required to file
18 electronically.

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

24 (e) The Secretary of State shall receive and investigate
25 allegations of violations of this Act. Any employee of the
26 Secretary of State who receives an allegation shall immediately

1 transmit it to the Secretary of State or the Secretary's
2 designee.

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

4 (25 ILCS 170/10) (from Ch. 63, par. 180)

5 Sec. 10. Penalties.

6 (a) The Secretary of State may assess penalties for any
7 violation of this Act, which may be appealed to a circuit court
8 with jurisdiction where the alleged violation occurred, where
9 the lobbyist resides, or where the lobbying entity is located.

10 Penalties are as follows:

11 (1) Any person who or entity that fails to register as
12 a lobbyist or lobbying entity as required by Section 3
13 shall be fined up to \$100 per day for each day or portion
14 of a day that the registration is late or the person or
15 entity is unregistered. Any person who or entity that
16 willfully fails to register may be fined up to \$500 for
17 each day or portion of a day that the registration is late.
18 In determining the appropriate fine for each violation, the
19 Secretary of State shall consider the scope of the entire
20 lobbying project, the nature of activities conducted
21 during the time the person or entity was in violation of
22 this Act, and whether the failure to register was willful
23 or knowing.

24 (2) Any unit of local government or school district
25 required to file under Section 3.5 may be fined up to \$100

1 per day for a late filing.

2 (3) Any person who or entity that fails to file a
3 report required by Section 6 shall be assessed a penalty of
4 not more than \$10,000.

5 (4) Any person who or entity that fails to file a
6 report required by Section 6.5 shall be assessed a penalty
7 of not more than \$100 per day or portion of a day that a
8 report is late ~~Any person who violates any of the~~
9 ~~provisions of this Act shall be guilty of a business~~
10 ~~offense and shall be fined not more than \$10,000.~~

11 (b) In addition to the penalties provided for in subsection
12 (a) of this Section, if the Secretary of State determines that
13 any entity or person violated this Act in a willful manner or
14 has committed 3 or more violations in any 2-year period, then
15 that entity or person may be prohibited from lobbying for a
16 term not to exceed 3 years. ~~any person convicted of any~~
17 ~~violation of any provision of this Act is prohibited for a~~
18 ~~period of three years from the date of such conviction from~~
19 ~~lobbying.~~

20 (c) There is created in the State treasury a special fund
21 to be known as the Lobbyist Registration Administration Fund.
22 All fines collected in the enforcement of this Section shall be
23 deposited into the Fund. These funds shall, subject to
24 appropriation, be used by the Office of the Secretary of State
25 for implementation and administration of this Act.

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

1 (25 ILCS 170/10.5 new)

2 Sec. 10.5. Enforcement. The Secretary of State or his or
3 her designee shall investigate possible violations of this Act.
4 If the Secretary determines that a violation has occurred, the
5 Secretary shall make the determination, together with any
6 relevant evidence, available to the public and take such steps
7 to ensure compliance as are deemed necessary, including but not
8 limited to assessing penalties as set forth in this Act.

9 (25 ILCS 170/4 rep.)

10 (25 ILCS 170/11 rep.)

11 Section 20. The Lobbyist Registration Act is amended by
12 repealing Sections 4 and 11.