



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4100

Introduced 2/27/2009, by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

15 ILCS 305/14	
25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/3.1	
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 170/11	from Ch. 63, par. 181
25 ILCS 170/4 rep.	

Amends the Secretary of State Act to give the Secretary of State Inspector General the authority to investigate lobbyist wrongdoing. Amends the Lobbyist Registration Act with respect to the following: the definition of "official"; lobbying entities; registration under the Act; serving on boards and commissions; reports; gifts; penalties; and other matters. Effective July 1, 2009.

LRB096 08634 JAM 18757 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Secretary of State Act is amended by
5 changing Section 14 as follows:

6 (15 ILCS 305/14)

7 Sec. 14. Inspector General.

8 (a) The Secretary of State must, with the advice and
9 consent of the Senate, appoint an Inspector General for the
10 purpose of detection, deterrence, and prevention of fraud,
11 corruption, mismanagement, gross or aggravated misconduct, or
12 misconduct that may be criminal in nature in the Office of the
13 Secretary of State. The Inspector General shall serve a 5-year
14 term. If no successor is appointed and qualified upon the
15 expiration of the Inspector General's term, the Office of
16 Inspector General is deemed vacant and the powers and duties
17 under this Section may be exercised only by an appointed and
18 qualified interim Inspector General until a successor
19 Inspector General is appointed and qualified. If the General
20 Assembly is not in session when a vacancy in the Office of
21 Inspector General occurs, the Secretary of State may appoint an
22 interim Inspector General whose term shall expire 2 weeks after
23 the next regularly scheduled session day of the Senate.

1 (b) The Inspector General shall have the following
2 qualifications:

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

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

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

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

22 (d) In addition to the authority otherwise provided by this
23 Section, but only when investigating the Office of the
24 Secretary of State, its employees, or their actions for fraud,
25 corruption, mismanagement, gross or aggravated misconduct, or
26 misconduct that may be criminal in nature, the Inspector

1 General is authorized:

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

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

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

16 (4) To require by subpoena the appearance of witnesses
17 and the production of all information, documents, reports,
18 answers, records, accounts, papers, and other data and
19 documentary evidence necessary in the performance of the
20 functions assigned by this Section, with the exception of
21 subsection (c) and with the exception of records of a labor
22 organization authorized and recognized under the Illinois
23 Public Labor Relations Act to be the exclusive bargaining
24 representative of employees of the Secretary of State,
25 including, but not limited to, records of representation of
26 employees and the negotiation of collective bargaining

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

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

24 (d-5) In addition to the authority otherwise provided by
25 this Section, the Secretary of State Inspector General shall
26 investigate complaints and allegations of wrongdoing related

1 to the Lobbyist Registration Act. When investigating those
2 complaints and allegations, the Inspector General is
3 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 request any information or assistance that may
10 be necessary for carrying out the duties and
11 responsibilities provided by this Section from any local,
12 State, or federal governmental agency or unit thereof.

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

1 recognized by law. Nothing in this Section limits a
2 person's right to protection against self-incrimination
3 under the Fifth Amendment of the United States Constitution
4 or Section 10 of Article I of the Constitution of the State
5 of Illinois.

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

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

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

26 Any employee who has the authority to recommend or approve

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

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

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

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

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

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

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

24 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

3 (a) "Person" means any individual, firm, partnership,
4 committee, association, corporation, or any other organization
5 or group of persons.

6 (b) "Expenditure" means a payment, distribution, loan,
7 advance, deposit, or gift of money or anything of value, and
8 includes a contract, promise, or agreement, whether or not
9 legally enforceable, to make an expenditure, for the ultimate
10 purpose of influencing executive, legislative, or
11 administrative action, other than compensation as defined in
12 subsection (d).

13 (c) "Official" means any officer, member, or employee as
14 those terms are defined in the State Officials and Employees
15 Ethics Act.+

16 ~~(1) the Governor, Lieutenant Governor, Secretary of~~
17 ~~State, Attorney General, State Treasurer, and State~~
18 ~~Comptroller;~~

19 ~~(2) Chiefs of Staff for officials described in item~~
20 ~~(1);~~

21 ~~(3) Cabinet members of any elected constitutional~~
22 ~~officer, including Directors, Assistant Directors and~~
23 ~~Chief Legal Counsel or General Counsel;~~

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

25 (d) "Compensation" means any money, thing of value or
26 financial benefits received or to be received in return for

1 services rendered or to be rendered, for lobbying as defined in
2 subsection (e).

3 Monies paid to members of the General Assembly by the State
4 as remuneration for performance of their Constitutional and
5 statutory duties as members of the General Assembly shall not
6 constitute compensation as defined by this Act.

7 (e) "Lobby" and "lobbying" ~~"Lobbying"~~ means any
8 communication with an official of the executive or legislative
9 branch of State government as defined in subsection (c) for the
10 ultimate purpose of influencing any executive, legislative, or
11 administrative action.

12 (f) "Influencing" means any communication, action,
13 reportable expenditure as prescribed in Section 6 or other
14 means used to promote, support, affect, modify, oppose or delay
15 any executive, legislative or administrative action or to
16 promote goodwill with officials as defined in subsection (c).

17 (g) "Executive action" means the proposal, drafting,
18 development, consideration, amendment, adoption, approval,
19 promulgation, issuance, modification, rejection or
20 postponement by a State entity of a rule, regulation, order,
21 decision, determination, contractual arrangement, purchasing
22 agreement or other quasi-legislative or quasi-judicial action
23 or proceeding.

24 (h) "Legislative action" means the development, drafting,
25 introduction, consideration, modification, adoption,
26 rejection, review, enactment, or passage or defeat of any bill,

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

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

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

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

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

20 (25 ILCS 170/3) (from Ch. 63, par. 173)

21 Sec. 3. Persons required to register.

22 (a) Except as provided in Section ~~Sections 4 and 9~~, any
23 natural ~~the following persons shall register with the Secretary~~
24 ~~of State as provided herein: (1) Any person who, for~~
25 compensation or otherwise, undertakes to lobby, or any either

1 ~~individually or as an employee or contractual employee of~~
2 ~~another person, undertakes to influence executive, legislative~~
3 ~~or administrative action. (2) Any person or entity who employs~~
4 another person for the purposes of lobbying, shall register
5 with the Secretary of State as provided in this Act, unless
6 that person or entity qualifies for one or more of the
7 following exemptions ~~influencing executive, legislative or~~
8 ~~administrative action.~~

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

19 (1.4) A unit of local government or a school district.

20 (1.5) An elected or appointed official or an employee
21 of a unit of local government or school district who, in
22 the scope of his or her public office or employment, seeks
23 to influence executive, legislative, or administrative
24 action exclusively on behalf of that unit of local
25 government or school district.

26 (2) Persons or entities who own, publish, or are

1 employed by a newspaper or other regularly published
2 periodical, or who own or are employed by a radio station,
3 television station, or other bona fide news medium that in
4 the ordinary course of business disseminates news,
5 editorial or other comment, or paid advertisements that
6 directly urge the passage or defeat of legislation. This
7 exemption is not applicable to such an individual insofar
8 as he or she receives additional compensation or expenses
9 from some source other than the bona fide news medium for
10 the purpose of influencing executive, legislative, or
11 administrative action. This exemption does not apply to
12 newspapers and periodicals owned by or published by trade
13 associations and profit corporations engaged primarily in
14 endeavors other than dissemination of news.

15 (3) Persons or entities performing professional
16 services in drafting bills or in advising and rendering
17 opinions to clients as to the construction and effect of
18 proposed or pending legislation when those professional
19 services are not otherwise, directly or indirectly,
20 connected with executive, legislative, or administrative
21 action.

22 (4) Persons or entities who are employees of
23 departments, divisions, or agencies of State government
24 and who appear before committees of the House and Senate
25 for the purpose of explaining how the passage of or action
26 upon any legislation then pending before those committees

1 will affect those departments, divisions, or agencies of
2 State government.

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

7 (6) Persons or entities in possession of technical
8 skills and knowledge relevant to certain areas of
9 executive, legislative, or administrative actions, whose
10 skills and knowledge would be helpful to officials when
11 considering those actions, whose activities are limited to
12 making occasional appearances for or communicating on
13 behalf of a registrant, and who do not make expenditures
14 that are reportable pursuant to Section 6 even though
15 receiving expense reimbursement for those occasional
16 appearances.

17 (7) Any full-time employee of a bona fide church or
18 religious organization who represents that organization
19 solely for the purpose of protecting the right of the
20 members thereof to practice the religious doctrines of that
21 church or religious organization, or any such bona fide
22 church or religious organization.

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

1 (9) Any attorney or group or firm of attorneys in the
2 course of representing a client in any administrative or
3 judicial proceeding, or any witness providing testimony in
4 any administrative or judicial proceeding, in which ex
5 parte communications are not allowed and who does not make
6 expenditures that are reportable pursuant to Section 6.

7 (10) Persons or entities who, in the scope of their
8 employment as a vendor, offer or solicit an official for
9 the purchase of any goods or services when (1) the
10 solicitation is limited to either an oral inquiry or
11 written advertisements and informative literature; or (2)
12 the goods and services are subject to competitive bidding
13 requirements of the Illinois Procurement Code; or (3) the
14 goods and services are for sale at a cost not to exceed
15 \$5,000; and (4) the persons or entities do not make
16 expenditures that are reportable under Section 6.

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

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

24 (25 ILCS 170/3.1)

25 Sec. 3.1. Prohibition on serving on boards and commissions.

1 Notwithstanding any other law of this State, on and after
2 February 1, 2004, but not before that date, a person required
3 to be registered under this Act, his or her spouse, and his or
4 her immediate family members living with that person may not
5 serve on a board, commission, authority, or task force
6 authorized or created by State law or by executive order of the
7 Governor if the lobbyist is engaged in the same subject area as
8 defined in Section 5(c-6) as the board or commission; except
9 that this restriction does not apply to any of the following:

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

14 (2) a registered lobbyist, his or her spouse, or any
15 immediate family member living with the registered
16 lobbyist, who is serving on a State advisory body that
17 makes nonbinding recommendations to an agency of State
18 government but does not make binding recommendations or
19 determinations or take any other substantive action; and

20 (3) a registered lobbyist, his or her spouse, or any
21 immediate family member living with the registered
22 lobbyist, if no one in the household is employed by the
23 State at a base salary in excess of 60% of the Governor's
24 salary.

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

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 lobbing 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 Inspector General.

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

3 (25 ILCS 170/10) (from Ch. 63, par. 180)

4 Sec. 10. Penalties.

5 (a) Any person who violates any of the provisions of this
6 Act shall be guilty of a business offense and shall be fined
7 not more than \$10,000 for each violation. Every day that a
8 report or registration is late shall constitute a separate
9 violation. In determining the appropriate fine for each
10 violation, the trier of fact shall consider the scope of the
11 entire lobbying project, the nature of activities conducted
12 during the time the person was in violation of this Act, and
13 whether or not the violation was intentional or unreasonable.

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

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

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

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

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

3 (a) The Secretary of State Inspector General appointed
4 under Section 14 of the Secretary of State Act shall initiate
5 investigations of violations of this Act upon receipt of an
6 allegation. If the Inspector General finds credible evidence of
7 a violation, he or she shall make the information available to
8 the public and transmit copies of the evidence to the alleged
9 violation. If the violator does not correct the violation within
10 30 days, the Inspector General shall transmit the full record
11 of the investigation to any appropriate State's Attorney or to
12 the Attorney General.

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

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

19 (25 ILCS 170/4 rep.)

20 Section 25. The Lobbyist Registration Act is amended by
21 repealing Section 4.

22 Section 99. Effective date. This Act takes effect July 1,
23 2009.