



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2884

Introduced 2/1/2012, by Sen. Susan Garrett

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-10  
5 ILCS 430/20-20  
5 ILCS 430/20-50  
5 ILCS 430/20-52  
5 ILCS 430/20-65  
5 ILCS 430/20-85  
5 ILCS 430/20-87 new  
15 ILCS 305/14

Amends the State Officials and Employees Ethics Act. Provides that a person appointed and serving as an inspector general under the authority of an Act other than the State Officials and Employees Ethics Act shall not investigate alleged violations of the State Officials and Employees Ethics Act or rules adopted under the authority of that Act, unless he or she also is appointed and serves as an Executive Inspector General under the State Officials and Employees Ethics Act. Limits the positions that may be held by an Executive Inspector General or employee of the Office of the Executive Inspector General during their terms of appointment or employment. Lengthens the period of time during which an Executive Inspector General may commence an investigation and during which a complaint may be filed with the Executive Ethics Commission. Requires certain reports and responses to be made publicly accessible. Requires the Commission to annually report certain information to the General Assembly and Governor. Amends the Secretary of State Act to make conforming changes. Effective immediately.

LRB097 17634 JDS 62841 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 10. The State Officials and Employees Ethics Act is  
5 amended by changing Sections 20-10, 20-20, 20-50, 20-52, 20-65,  
6 and 20-85 and adding Section 20-87 as follows:

7 (5 ILCS 430/20-10)

8 Sec. 20-10. Offices of Executive Inspectors General.

9 (a) Five independent Offices of the Executive Inspector  
10 General are created, one each for the Governor, the Attorney  
11 General, the Secretary of State, the Comptroller, and the  
12 Treasurer. Each Office shall be under the direction and  
13 supervision of an Executive Inspector General and shall be a  
14 fully independent office with separate appropriations.

15 (b) The Governor, Attorney General, Secretary of State,  
16 Comptroller, and Treasurer shall each appoint an Executive  
17 Inspector General, without regard to political affiliation and  
18 solely on the basis of integrity and demonstrated ability.  
19 Appointments shall be made by and with the advice and consent  
20 of the Senate by three-fifths of the elected members concurring  
21 by record vote. Any nomination not acted upon by the Senate  
22 within 60 session days of the receipt thereof shall be deemed  
23 to have received the advice and consent of the Senate. If,

1 during a recess of the Senate, there is a vacancy in an office  
2 of Executive Inspector General, the appointing authority shall  
3 make a temporary appointment until the next meeting of the  
4 Senate when the appointing authority shall make a nomination to  
5 fill that office. No person rejected for an office of Executive  
6 Inspector General shall, except by the Senate's request, be  
7 nominated again for that office at the same session of the  
8 Senate or be appointed to that office during a recess of that  
9 Senate.

10 Nothing in this Article precludes the appointment by the  
11 Governor, Attorney General, Secretary of State, Comptroller,  
12 or Treasurer of any other inspector general required or  
13 permitted by law. The Governor, Attorney General, Secretary of  
14 State, Comptroller, and Treasurer each may appoint an existing  
15 inspector general as the Executive Inspector General required  
16 by this Article, provided that such an inspector general is not  
17 prohibited by law, rule, jurisdiction, qualification, or  
18 interest from serving as the Executive Inspector General  
19 required by this Article. An appointing authority may not  
20 appoint a relative as an Executive Inspector General.

21 Each Executive Inspector General shall have the following  
22 qualifications:

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

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

1           (3) has 5 or more years of cumulative service (A) with  
2           a federal, State, or local law enforcement agency, at least  
3           2 years of which have been in a progressive investigatory  
4           capacity; (B) as a federal, State, or local prosecutor; (C)  
5           as a senior manager or executive of a federal, State, or  
6           local agency; (D) as a member, an officer, or a State or  
7           federal judge; or (E) representing any combination of (A)  
8           through (D).

9           The term of each initial Executive Inspector General shall  
10          commence upon qualification and shall run through June 30,  
11          2008. The initial appointments shall be made within 60 days  
12          after the effective date of this Act.

13          After the initial term, each Executive Inspector General  
14          shall serve for 5-year terms commencing on July 1 of the year  
15          of appointment and running through June 30 of the fifth  
16          following year. An Executive Inspector General may be  
17          reappointed to one or more subsequent terms.

18          A vacancy occurring other than at the end of a term shall  
19          be filled by the appointing authority only for the balance of  
20          the term of the Executive Inspector General whose office is  
21          vacant.

22          Terms shall run regardless of whether the position is  
23          filled.

24          (c) The Executive Inspector General appointed by the  
25          Attorney General shall have jurisdiction over the Attorney  
26          General and all officers and employees of, and vendors and

1 others doing business with, State agencies within the  
2 jurisdiction of the Attorney General. The Executive Inspector  
3 General appointed by the Secretary of State shall have  
4 jurisdiction over the Secretary of State and all officers and  
5 employees of, and vendors and others doing business with, State  
6 agencies within the jurisdiction of the Secretary of State. The  
7 Executive Inspector General appointed by the Comptroller shall  
8 have jurisdiction over the Comptroller and all officers and  
9 employees of, and vendors and others doing business with, State  
10 agencies within the jurisdiction of the Comptroller. The  
11 Executive Inspector General appointed by the Treasurer shall  
12 have jurisdiction over the Treasurer and all officers and  
13 employees of, and vendors and others doing business with, State  
14 agencies within the jurisdiction of the Treasurer. The  
15 Executive Inspector General appointed by the Governor shall  
16 have jurisdiction over (i) the Governor, (ii) the Lieutenant  
17 Governor, (iii) all officers and employees of, and vendors and  
18 others doing business with, executive branch State agencies  
19 under the jurisdiction of the Executive Ethics Commission and  
20 not within the jurisdiction of the Attorney General, the  
21 Secretary of State, the Comptroller, or the Treasurer, and (iv)  
22 all board members and employees of the Regional Transit Boards  
23 and all vendors and others doing business with the Regional  
24 Transit Boards.

25 The jurisdiction of each Executive Inspector General is to  
26 investigate allegations of fraud, waste, abuse, mismanagement,

1 misconduct, nonfeasance, misfeasance, malfeasance, or  
2 violations of this Act or violations of other related laws and  
3 rules. A person appointed and serving as an inspector general  
4 under the authority of an Act other than this Act shall not  
5 investigate alleged violations of this Act or rules adopted  
6 under the authority of this Act, unless he or she also is  
7 appointed and serves as an Executive Inspector General under  
8 this Act. If a person appointed and serving as an inspector  
9 general under the authority of an Act other than this Act  
10 becomes aware of an alleged violation of this Act or rules  
11 adopted under this Act, then he or she shall refer all  
12 information regarding the alleged violation to the Executive  
13 Inspector General who has jurisdiction over the officer or  
14 employee who committed the alleged violation.

15 (d) The compensation for each Executive Inspector General  
16 shall be determined by the Executive Ethics Commission and  
17 shall be made from appropriations made to the Comptroller for  
18 this purpose. Subject to Section 20-45 of this Act, each  
19 Executive Inspector General has full authority to organize his  
20 or her Office of the Executive Inspector General, including the  
21 employment and determination of the compensation of staff, such  
22 as deputies, assistants, and other employees, as  
23 appropriations permit. A separate appropriation shall be made  
24 for each Office of Executive Inspector General.

25 (e) No Executive Inspector General or employee of the  
26 Office of the Executive Inspector General may, during his or

1 her term of appointment or employment:

2 (1) become a candidate for any elective office;

3 (2) hold any other elected or appointed public office  
4 except for appointments on governmental advisory boards or  
5 study commissions or as otherwise expressly authorized by  
6 law;

7 (3) be actively involved in the affairs of any  
8 political party or political organization; or

9 (4) advocate for the appointment of another person to  
10 an appointed or elected office or position or actively  
11 participate in any campaign for any elective office.

12 In this subsection an appointed public office means a  
13 position authorized by law that is filled by an appointing  
14 authority as provided by law and does not include employment by  
15 hiring in the ordinary course of business.

16 Notwithstanding any provision of this subsection (e) or any  
17 other law to the contrary, no Executive Inspector General or  
18 employee of the Office of the Executive Inspector General may,  
19 during his or her term of appointment or employment, be  
20 appointed to, employed in, or otherwise hold a position (i)  
21 that is within an agency or constitutional office that is under  
22 the jurisdiction of that Executive Inspector General and (ii)  
23 that is not within either the Office of the Executive Inspector  
24 General or the Office of the Inspector General of that agency  
25 or constitutional office.

26 (e-1) No Executive Inspector General or employee of the

1 Office of the Executive Inspector General may, for one year  
2 after the termination of his or her appointment or employment:

3 (1) become a candidate for any elective office;

4 (2) hold any elected public office; or

5 (3) hold any appointed State, county, or local judicial  
6 office.

7 (e-2) The requirements of item (3) of subsection (e-1) may  
8 be waived by the Executive Ethics Commission.

9 (f) An Executive Inspector General may be removed only for  
10 cause and may be removed only by the appointing constitutional  
11 officer. At the time of the removal, the appointing  
12 constitutional officer must report to the Executive Ethics  
13 Commission the justification for the removal.

14 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

15 (5 ILCS 430/20-20)

16 Sec. 20-20. Duties of the Executive Inspectors General. In  
17 addition to duties otherwise assigned by law, each Executive  
18 Inspector General shall have the following duties:

19 (1) To receive and investigate allegations of  
20 violations of this Act. An investigation may not be  
21 initiated more than 2 years ~~one year~~ after the most recent  
22 act of the alleged violation or of a series of alleged  
23 violations except where there is reasonable cause to  
24 believe that fraudulent concealment has occurred. To  
25 constitute fraudulent concealment sufficient to toll this



1 limitations period, there must be an affirmative act or  
2 representation calculated to prevent discovery of the fact  
3 that a violation has occurred. The Executive Inspector  
4 General shall have the discretion to determine the  
5 appropriate means of investigation as permitted by law.

6 (2) To request information relating to an  
7 investigation from any person when the Executive Inspector  
8 General deems that information necessary in conducting an  
9 investigation.

10 (3) To issue subpoenas to compel the attendance of  
11 witnesses for the purposes of testimony and production of  
12 documents and other items for inspection and copying and to  
13 make service of those subpoenas and subpoenas issued under  
14 item (7) of Section 20-15.

15 (4) To submit reports as required by this Act.

16 (5) To file pleadings in the name of the Executive  
17 Inspector General with the Executive Ethics Commission,  
18 through the Attorney General, as provided in this Article  
19 if the Attorney General finds that reasonable cause exists  
20 to believe that a violation has occurred.

21 (6) To assist and coordinate the ethics officers for  
22 State agencies under the jurisdiction of the Executive  
23 Inspector General and to work with those ethics officers.

24 (7) To participate in or conduct, when appropriate,  
25 multi-jurisdictional investigations.

26 (8) To request, as the Executive Inspector General

1           deems appropriate, from ethics officers of State agencies  
2           under his or her jurisdiction, reports or information on  
3           (i) the content of a State agency's ethics training program  
4           and (ii) the percentage of new officers and employees who  
5           have completed ethics training.

6           (9) To review hiring and employment files of each State  
7           agency within the Executive Inspector General's  
8           jurisdiction to ensure compliance with *Rutan v. Republican*  
9           *Party of Illinois*, 497 U.S. 62 (1990), and with all  
10          applicable employment laws.

11          (10) To establish a policy that ensures the appropriate  
12          handling and correct recording of all investigations  
13          conducted by the Office, and to ensure that the policy is  
14          accessible via the Internet in order that those seeking to  
15          report those allegations are familiar with the process and  
16          that the subjects of those allegations are treated fairly.

17          (Source: P.A. 96-555, eff. 8-18-09.)

18          (5 ILCS 430/20-50)

19          Sec. 20-50. Investigation reports.

20          (a) If an Executive Inspector General, upon the conclusion  
21          of an investigation, determines that reasonable cause exists to  
22          believe that a violation has occurred, then the Executive  
23          Inspector General shall issue a summary report of the  
24          investigation. The report shall be delivered to the appropriate  
25          ultimate jurisdictional authority and to the head of each State

1 agency affected by or involved in the investigation, if  
2 appropriate. The appropriate ultimate jurisdictional authority  
3 or agency head shall respond to the summary report within 20  
4 days, in writing, to the Executive Inspector General. The  
5 response shall include a description of any corrective or  
6 disciplinary action to be imposed.

7 (b) The summary report of the investigation shall include  
8 the following:

9 (1) A description of any allegations or other  
10 information received by the Executive Inspector General  
11 pertinent to the investigation.

12 (2) A description of any alleged misconduct discovered  
13 in the course of the investigation.

14 (3) Recommendations for any corrective or disciplinary  
15 action to be taken in response to any alleged misconduct  
16 described in the report, including but not limited to  
17 discharge.

18 (4) Other information the Executive Inspector General  
19 deems relevant to the investigation or resulting  
20 recommendations.

21 (c) Within 30 days after receiving a response from the  
22 appropriate ultimate jurisdictional authority or agency head  
23 under subsection (a), the Executive Inspector General shall  
24 notify the Commission and the Attorney General if the Executive  
25 Inspector General believes that a complaint should be filed  
26 with the Commission. If the Executive Inspector General desires

1 to file a complaint with the Commission, the Executive  
2 Inspector General shall submit the summary report and  
3 supporting documents to the Attorney General. If the Attorney  
4 General concludes that there is insufficient evidence that a  
5 violation has occurred, the Attorney General shall notify the  
6 Executive Inspector General and the Executive Inspector  
7 General shall deliver to the Executive Ethics Commission a copy  
8 of the summary report and response from the ultimate  
9 jurisdictional authority or agency head. If the Attorney  
10 General determines that reasonable cause exists to believe that  
11 a violation has occurred, then the Executive Inspector General,  
12 represented by the Attorney General, may file with the  
13 Executive Ethics Commission a complaint. The complaint shall  
14 set forth the alleged violation and the grounds that exist to  
15 support the complaint. The complaint must be filed with the  
16 Commission within 30 ~~18~~ months after the most recent act of the  
17 alleged violation or of a series of alleged violations except  
18 where there is reasonable cause to believe that fraudulent  
19 concealment has occurred. To constitute fraudulent concealment  
20 sufficient to toll this limitations period, there must be an  
21 affirmative act or representation calculated to prevent  
22 discovery of the fact that a violation has occurred. If a  
23 complaint is not filed with the Commission within 6 months  
24 after notice by the Inspector General to the Commission and the  
25 Attorney General, then the Commission may set a meeting of the  
26 Commission at which the Attorney General shall appear and

1 provide a status report to the Commission.

2 (c-5) Within 30 days after receiving a response from the  
3 appropriate ultimate jurisdictional authority or agency head  
4 under subsection (a), if the Executive Inspector General does  
5 not believe that a complaint should be filed, the Executive  
6 Inspector General shall deliver to the Executive Ethics  
7 Commission a statement setting forth the basis for the decision  
8 not to file a complaint and a copy of the summary report and  
9 response from the ultimate jurisdictional authority or agency  
10 head. An Inspector General may also submit a redacted version  
11 of the summary report and response from the ultimate  
12 jurisdictional authority if the Inspector General believes  
13 either contains information that, in the opinion of the  
14 Inspector General, should be redacted prior to releasing the  
15 report, may interfere with an ongoing investigation, or  
16 identifies an informant or complainant.

17 (c-10) If, after reviewing the documents, the Commission  
18 believes that further investigation is warranted, the  
19 Commission may request that the Executive Inspector General  
20 provide additional information or conduct further  
21 investigation. The Commission may also appoint a Special  
22 Executive Inspector General to investigate or refer the summary  
23 report and response from the ultimate jurisdictional authority  
24 to the Attorney General for further investigation or review. If  
25 the Commission requests the Attorney General to investigate or  
26 review, the Commission must notify the Attorney General and the

1 Inspector General. The Attorney General may not begin an  
2 investigation or review until receipt of notice from the  
3 Commission. If, after review, the Attorney General determines  
4 that reasonable cause exists to believe that a violation has  
5 occurred, then the Attorney General may file a complaint with  
6 the Executive Ethics Commission. If the Attorney General  
7 concludes that there is insufficient evidence that a violation  
8 has occurred, the Attorney General shall notify the Executive  
9 Ethics Commission and the appropriate Executive Inspector  
10 General.

11 (d) A copy of the complaint filed with the Executive Ethics  
12 Commission must be served on all respondents named in the  
13 complaint and on each respondent's ultimate jurisdictional  
14 authority in the same manner as process is served under the  
15 Code of Civil Procedure.

16 (e) A respondent may file objections to the complaint  
17 within 30 days after notice of the petition has been served on  
18 the respondent.

19 (f) The Commission shall meet, either in person or by  
20 telephone, at least 30 days after the complaint is served on  
21 all respondents in a closed session to review the sufficiency  
22 of the complaint. The Commission shall issue notice by  
23 certified mail, return receipt requested, to the Executive  
24 Inspector General, Attorney General, and all respondents of the  
25 Commission's ruling on the sufficiency of the complaint. If the  
26 complaint is deemed to sufficiently allege a violation of this

1 Act, then the Commission shall include a hearing date scheduled  
2 within 4 weeks after the date of the notice, unless all of the  
3 parties consent to a later date. If the complaint is deemed not  
4 to sufficiently allege a violation, then the Commission shall  
5 send by certified mail, return receipt requested, a notice to  
6 the Executive Inspector General, Attorney General, and all  
7 respondents of the decision to dismiss the complaint.

8 (g) On the scheduled date the Commission shall conduct a  
9 closed meeting, either in person or, if the parties consent, by  
10 telephone, on the complaint and allow all parties the  
11 opportunity to present testimony and evidence. All such  
12 proceedings shall be transcribed.

13 (h) Within an appropriate time limit set by rules of the  
14 Executive Ethics Commission, the Commission shall (i) dismiss  
15 the complaint, (ii) issue a recommendation of discipline to the  
16 respondent and the respondent's ultimate jurisdictional  
17 authority, (iii) impose an administrative fine upon the  
18 respondent, (iv) issue injunctive relief as described in  
19 Section 50-10, or (v) impose a combination of (ii) through  
20 (iv).

21 (i) The proceedings on any complaint filed with the  
22 Commission shall be conducted pursuant to rules promulgated by  
23 the Commission.

24 (j) The Commission may designate hearing officers to  
25 conduct proceedings as determined by rule of the Commission.

26 (k) In all proceedings before the Commission, the standard

1 of proof is by a preponderance of the evidence.

2 (1) Within 30 days after the issuance of a final  
3 administrative decision that concludes that a violation  
4 occurred, the Executive Ethics Commission shall make public the  
5 entire record of proceedings before the Commission, the  
6 decision, any recommendation, any discipline imposed, and the  
7 response from the agency head or ultimate jurisdictional  
8 authority to the Executive Ethics Commission.

9 (Source: P.A. 96-555, eff. 8-18-09.)

10 (5 ILCS 430/20-52)

11 Sec. 20-52. Release of summary reports.

12 (a) Within 60 days after receipt of a summary report and  
13 response from the ultimate jurisdictional authority or agency  
14 head that resulted in a suspension of at least 3 days or  
15 termination of employment, the Executive Ethics Commission  
16 shall make available to the public the report and response or a  
17 redacted version of the report and response. The Executive  
18 Ethics Commission may make available to the public any other  
19 summary report and response of the ultimate jurisdictional  
20 authority or agency head or a redacted version of the report  
21 and response. All summary reports and responses made available  
22 to the public by the Executive Ethics Commission must also be  
23 made available to the public on the website of the Executive  
24 Inspector General that conducted the investigation and issued  
25 the summary report.



1 (b) The Commission shall redact information in the summary  
2 report that may reveal the identity of witnesses, complainants,  
3 or informants or if the Commission determines it is appropriate  
4 to protect the identity of a person before the report is made  
5 public. The Commission may also redact any information it  
6 believes should not be made public. Prior to publication, the  
7 Commission shall permit the respondents, Inspector General,  
8 and Attorney General to review documents to be made public and  
9 offer suggestions for redaction or provide a response that  
10 shall be made public with the summary report.

11 (c) The Commission may withhold publication of the report  
12 or response if the Executive Inspector General or Attorney  
13 General certifies that releasing the report to the public will  
14 interfere with an ongoing investigation.

15 (Source: P.A. 96-555, eff. 8-18-09.)

16 (5 ILCS 430/20-65)

17 Sec. 20-65. Reporting of investigations.

18 (a) Each Executive Inspector General shall file a quarterly  
19 activity report with the Executive Ethics Commission that  
20 reflects investigative activity during the previous quarter.  
21 The Executive Ethics Commission shall establish the reporting  
22 dates. The activity report shall include at least the  
23 following:

24 (1) The number of investigations opened during the  
25 preceding quarter, the affected offices or agencies, and

1 the unique tracking numbers for new investigations.

2 (2) The number of investigations closed during the  
3 preceding quarter, the affected offices or agencies, and  
4 the unique tracking numbers for closed investigations.

5 (3) The status of each on-going investigation that  
6 remained open at the end of the quarter, the affected  
7 office, agency or agencies, the investigation's unique  
8 tracking number, and a brief statement of the general  
9 nature of the investigation.

10 (b) If any investigation is not concluded within 6 months  
11 after its initiation, the appropriate Executive Inspector  
12 General shall file a 6-month report with the Executive Ethics  
13 Commission by the fifteenth day of the month following it being  
14 open for 6 months. The 6-month report shall disclose:

15 (1) The general nature of the allegation or information  
16 giving rise to the investigation, the title or job duties  
17 of the subjects of the investigation, and the  
18 investigation's unique tracking number.

19 (2) The date of the last alleged violation of this Act  
20 or other State law giving rise to the investigation.

21 (3) Whether the Executive Inspector General has found  
22 credible the allegations of criminal conduct.

23 (4) Whether the allegation has been referred to an  
24 appropriate law enforcement agency and the identity of the  
25 law enforcement agency to which those allegations were  
26 referred.

1 (5) If an allegation has not been referred to an  
2 appropriate law enforcement agency, the reasons for the  
3 failure to complete the investigation within 6 months, a  
4 summary of the investigative steps taken, additional  
5 investigative steps contemplated at the time of the report,  
6 and an estimate of additional time necessary to complete  
7 the investigation.

8 (6) Any other information deemed necessary by the  
9 Executive Ethics Commission in determining whether to  
10 appoint a Special Inspector General.

11 (c) If an Executive Inspector General has referred an  
12 allegation to an appropriate law enforcement agency and  
13 continues to investigate the matter, the future reporting  
14 requirements of this Section are suspended.

15 (d) Reports filed under this Section are exempt from the  
16 Freedom of Information Act. However, data reported under  
17 subsection (a) of this Section and by the Executive Ethics  
18 Commission in its annual report under Section 20-87 is not  
19 exempt from copying and disclosure under the Freedom of  
20 Information Act and must be made available to the public on the  
21 website of the Executive Ethics Commission.

22 (Source: P.A. 96-555, eff. 8-18-09.)

23 (5 ILCS 430/20-85)

24 Sec. 20-85. Monthly reports by Executive Inspector  
25 General. Each Executive Inspector General shall submit monthly

1 reports to the appropriate executive branch constitutional  
2 officer and the Executive Ethics Commission, on dates  
3 determined by the Executive Ethics Commission ~~executive branch~~  
4 ~~constitutional officer~~, indicating:

5 (1) the number of allegations received since the date  
6 of the last report;

7 (2) the number of investigations initiated since the  
8 date of the last report;

9 (3) the number of investigations concluded since the  
10 date of the last report;

11 (4) the number of investigations pending as of the  
12 reporting date;

13 (5) the number of complaints forwarded to the Attorney  
14 General since the date of the last report;

15 (6) the number of actions filed with the Executive  
16 Ethics Commission since the date of the last report and the  
17 number of actions pending before the Executive Ethics  
18 Commission as of the reporting date; and

19 (7) the number of allegations referred to any law  
20 enforcement agency.

21 The monthly report shall be available on the websites of  
22 the Executive Inspector General and the constitutional  
23 officer.

24 (Source: P.A. 96-555, eff. 8-18-09.)

25 (5 ILCS 430/20-87 new)

1       Sec. 20-87. Annual reports by the Executive Ethics  
2 Commission.

3       (a) The Executive Ethics Commission shall submit annual  
4 reports to the General Assembly and each constitutional  
5 officer, indicating:

6           (1) the amendments that were made to the State  
7 Officials and Employees Ethics Act since the date of the  
8 last report;

9           (2) the rules that the Executive Ethics Commission  
10 adopted or revised since the date of the last report;

11           (3) the number of allegations received by each  
12 Executive Inspector General since the date of the last  
13 report;

14           (4) the number of investigations initiated by each  
15 Executive Inspector General since the date of the last  
16 report;

17           (5) the number of investigations concluded by each  
18 Executive Inspector General since the date of the last  
19 report;

20           (6) the number of investigations that are pending with  
21 each Executive Inspector General on the reporting date;

22           (7) the number of complaints forwarded to the Attorney  
23 General for consideration for filing with the Executive  
24 Ethics Commission, separated by quarter, for each  
25 Executive Inspector General since the date of the last  
26 report;

1           (8) the number of complaints filed with the Executive  
2           Ethics Commission since the date of the last report;

3           (9) the number of revolving-door determinations  
4           received by the Commission from each Executive Inspector  
5           General and decided since the date of the last report; and

6           (10) the number of ex parte communications made to the  
7           Executive Ethics Commission since the date of the last  
8           report.

9           (b) Reports filed under this Section are public records and  
10          must be disclosed under the Freedom of Information Act.

11           Section 15. The Secretary of State Act is amended by  
12          changing Section 14 as follows:

13           (15 ILCS 305/14)

14           Sec. 14. Inspector General.

15           (a) The Secretary of State must, with the advice and  
16          consent of the Senate, appoint an Inspector General for the  
17          purpose of detection, deterrence, and prevention of fraud,  
18          corruption, mismanagement, gross or aggravated misconduct, or  
19          misconduct that may be criminal in nature in the Office of the  
20          Secretary of State. The Inspector General shall serve a 5-year  
21          term. If no successor is appointed and qualified upon the  
22          expiration of the Inspector General's term, the Office of  
23          Inspector General is deemed vacant and the powers and duties  
24          under this Section may be exercised only by an appointed and

1 qualified interim Inspector General until a successor  
2 Inspector General is appointed and qualified. If the General  
3 Assembly is not in session when a vacancy in the Office of  
4 Inspector General occurs, the Secretary of State may appoint an  
5 interim Inspector General whose term shall expire 2 weeks after  
6 the next regularly scheduled session day of the Senate.

7 (b) The Inspector General shall have the following  
8 qualifications:

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

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

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

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

1 State.

2 (d) In addition to the authority otherwise provided by this  
3 Section, but only when investigating the Office of the  
4 Secretary of State, its employees, or their actions for fraud,  
5 corruption, mismanagement, gross or aggravated misconduct, or  
6 misconduct that may be criminal in nature, the Inspector  
7 General is authorized:

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

13 (2) To make any investigations and reports relating to  
14 the administration of the programs and operations of the  
15 Office of the Secretary of State that are, in the judgment  
16 of the Inspector General, necessary or desirable.

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

21 (4) To require by subpoena the appearance of witnesses  
22 and the production of all information, documents, reports,  
23 answers, records, accounts, papers, and other data and  
24 documentary evidence necessary in the performance of the  
25 functions assigned by this Section, with the exception of  
26 subsection (c) and with the exception of records of a labor



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

26 (5) To have direct and prompt access to the Secretary

1 of State for any purpose pertaining to the performance of  
2 functions and responsibilities under this Section.

3 (d-5) In addition to the authority otherwise provided by  
4 this Section, the Secretary of State Inspector General shall  
5 have jurisdiction to investigate complaints and allegations of  
6 wrongdoing by any person or entity related to the Lobbyist  
7 Registration Act. When investigating those complaints and  
8 allegations, the Inspector General is authorized:

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

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

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

1 produce documents or other items under the requirements of  
2 the subpoena shall be subject to punishment as may be  
3 determined by a court of competent jurisdiction, unless the  
4 testimony, documents, or other items are covered by the  
5 attorney-client privilege or any other privilege or right  
6 recognized by law. Nothing in this Section limits a  
7 person's right to protection against self-incrimination  
8 under the Fifth Amendment of the United States Constitution  
9 or Section 10 of Article I of the Constitution of the State  
10 of Illinois.

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

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

25 The Inspector General may not, after receipt of a complaint  
26 or information, disclose the identity of the source without the

1 consent of the source, unless the Inspector General determines  
2 that disclosure of the identity is reasonable and necessary for  
3 the furtherance of the investigation.

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

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

23 Any employee of the Secretary of State subject to  
24 investigation or inquiry by the Inspector General or any agent  
25 or representative of the Inspector General concerning  
26 misconduct that is criminal in nature shall have the right to

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

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

24 (h) Notwithstanding any other provision of this Act or any  
25 other law to the contrary, the Inspector General appointed  
26 under this Act shall not investigate alleged violations of the

1 State Officials and Employees Ethics Act or rules adopted under  
2 that Act, unless he or she also serves as the Executive  
3 Inspector General appointed by the Secretary of State. If the  
4 Inspector General appointed under this Act becomes aware of an  
5 alleged violation of the State Officials and Employees Ethics  
6 Act or rules adopted under that Act and does not serve as the  
7 Executive Inspector General appointed by the Secretary of  
8 State, then he or she shall refer all information regarding the  
9 alleged violation to the Executive Inspector General appointed  
10 by the Secretary of State.

11 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.