



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2722

Introduced 1/28/2014, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

25 ILCS 170/2	from Ch. 63, par. 172
25 ILCS 170/3	from Ch. 63, par. 173
25 ILCS 170/5	
25 ILCS 170/6	from Ch. 63, par. 176
625 ILCS 5/6-110.1	

Amends the Lobbyist Registration Act. Provides that the term "official" includes members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor and having the authority to make binding recommendations or determinations. Requires the Secretary of State to publish and maintain a list of each board, commission, authority, or task force that has the authority to make binding recommendations or determinations and to make this list available on the Secretary of State's website. Provides that the Secretary of State may display the picture of the registrant along with information about the registrant on the Secretary of State's website and may use the picture to produce a photo identification card for the registrant. Provides that for registrations on and after January 1, 2015, every natural person and every entity required to register shall annually renew his, her, or its registration during the period commencing on December 1st of the preceding year and ending on January 15th of the applicable registration year. Deletes provisions regarding reporting requirements for the years 2010 and 2011. Amends the Illinois Vehicle Code. Permits disclosure of certain photographs and signatures to officers and employees of the Secretary of State who require access to the stored images for purposes of issuing lobbyist identification cards to a list of persons. Effective immediately.

LRB098 16891 OMW 51966 b

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 5. The Lobbyist Registration Act is amended by
5 changing Sections 2, 3, 5, and 6 as follows:

6 (25 ILCS 170/2) (from Ch. 63, par. 172)

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

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

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

19 (c) "Official" means:

20 (1) the Governor, Lieutenant Governor, Secretary of
21 State, Attorney General, State Treasurer, and State
22 Comptroller;

23 (2) Chiefs of Staff for officials described in item

1 (1);

2 (3) Cabinet members of any elected constitutional
3 officer, including Directors, Assistant Directors and
4 Chief Legal Counsel or General Counsel;

5 (4) Members of the General Assembly; and

6 (5) Members of any board, commission, authority, or
7 task force of the State authorized or created by State law
8 or by executive order of the Governor and having the
9 authority to make binding recommendations or
10 determinations.

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

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

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

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

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

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

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

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

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

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

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

5 (l) "Authorized agent" means the person designated by an
6 entity or lobbyist registered under this Act as the person
7 responsible for submission and retention of reports required
8 under this Act.

9 (m) "Client" means any person or entity that provides
10 compensation to a lobbyist to lobby State government as
11 provided in subsection (e) of this Section.

12 (n) "Client registrant" means a client who is required to
13 register under this Act.

14 (Source: P.A. 98-459, eff. 1-1-14.)

15 (25 ILCS 170/3) (from Ch. 63, par. 173)

16 Sec. 3. Persons required to register.

17 (a) Except as provided in Section 9, any natural person
18 who, for compensation or otherwise, undertakes to lobby, or any
19 person or entity who employs or compensates another person for
20 the purposes of lobbying, shall register with the Secretary of
21 State as provided in this Act, unless that person or entity
22 qualifies for one or more of the following exemptions.

23 (1) Persons or entities who, for the purpose of
24 influencing any executive, legislative, or administrative
25 action and who do not make expenditures that are reportable

1 pursuant to Section 6, appear without compensation or
2 promise thereof only as witnesses before committees of the
3 House and Senate for the purpose of explaining or arguing
4 for or against the passage of or action upon any
5 legislation then pending before those committees, or who
6 seek without compensation or promise thereof the approval
7 or veto of any legislation by the Governor.

8 (1.4) A unit of local government or a school district.

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

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

1 newspapers and periodicals owned by or published by trade
2 associations and not-for-profit corporations engaged
3 primarily in endeavors other than dissemination of news.

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

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

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

22 (6) Persons or entities in possession of technical
23 skills and knowledge relevant to certain areas of
24 executive, legislative, or administrative actions, whose
25 skills and knowledge would be helpful to officials when
26 considering those actions, whose activities are limited to

1 making occasional appearances for or communicating on
2 behalf of a registrant, and who do not make expenditures
3 that are reportable pursuant to Section 6 even though
4 receiving expense reimbursement for those occasional
5 appearances.

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

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

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

23 (9.5) Any attorney or group or firm of attorneys in the
24 course of representing a client in an administrative or
25 executive action involving a contractual or purchasing
26 arrangement and who does not make expenditures that are

1 reportable pursuant to Section 6.

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

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

18 (c) The Secretary shall publish and maintain ~~promulgate a~~
19 ~~rule establishing~~ a list of ~~the entities required to register~~
20 ~~under this Act, including the name of~~ each board, commission,
21 authority, or task force that has the authority to make binding
22 recommendations or determinations, as identified by the
23 Governor's Office of Boards and Commissions, and shall make
24 this list available on the Secretary of State's website. The
25 Secretary may require a person or entity claiming an exemption
26 under this Section to certify the person or entity is not

1 required to register under this Act. Nothing prohibits the
2 Secretary from rejecting a certification and requiring a person
3 or entity to register.

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

5 (25 ILCS 170/5)

6 Sec. 5. Lobbyist registration and disclosure. Every
7 natural person and every entity required to register under this
8 Act shall before any service is performed which requires the
9 natural person or entity to register, but in any event not
10 later than 2 business days after being employed or retained,
11 file in the Office of the Secretary of State a statement in a
12 format prescribed by the Secretary of State containing the
13 following information with respect to each person or entity
14 employing, retaining, or benefitting from the services of the
15 natural person or entity required to register:

16 (a) The registrant's name, permanent address, e-mail
17 address, if any, fax number, if any, business telephone
18 number, and temporary address, if the registrant has a
19 temporary address while lobbying.

20 (a-5) If the registrant is an entity, the information
21 required under subsection (a) for each natural person
22 associated with the registrant who will be lobbying,
23 regardless of whether lobbying is a significant part of his
24 or her duties.

25 (b) The name and address of the client or clients

1 employing or retaining the registrant to perform such
2 services or on whose behalf the registrant appears. If the
3 client employing or retaining the registrant is a client
4 registrant, the statement shall also include the name and
5 address of the client or clients of the client registrant
6 on whose behalf the registrant will be or anticipates
7 performing services.

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

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

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

1 For registrations before January 1, 2015, every ~~Every~~
2 natural person and every entity required to register under this
3 Act shall annually register as ~~submit the registration~~ required
4 by this Section on or before each January 31. For registrations
5 on and after January 1, 2015, every natural person and every
6 entity required to register under this Act shall annually renew
7 his, her, or its registration as required by this Section
8 during the period commencing on December 1st of the preceding
9 year and ending on January 15th of the applicable registration
10 year. The registrant has a continuing duty to report any
11 substantial change or addition to the information contained in
12 the registration.

13 The Secretary of State shall make all filed statements and
14 amendments to statements publicly available by means of a
15 searchable database that is accessible through the World Wide
16 Web. The Secretary of State shall provide all software
17 necessary to comply with this provision to all natural persons
18 and entities required to file. The Secretary of State shall
19 implement a plan to provide computer access and assistance to
20 natural persons and entities required to file electronically.

21 All natural persons and entities required to register under
22 this Act shall remit a single, annual, and nonrefundable \$300
23 registration fee. Each natural person required to register
24 under this Act shall submit, on an annual basis, a picture of
25 the registrant. A registrant may, in lieu of submitting a
26 picture on an annual basis, authorize the Secretary of State to

1 use any photo identification available in any database
2 maintained by the Secretary of State for other purposes. The
3 Secretary of State may display the picture of the registrant
4 along with information about the registrant on the Secretary of
5 State's website and may use the picture to produce a photo
6 identification card for the registrant. Each registration fee
7 collected for registrations on or after January 1, 2010 shall
8 be deposited into the Lobbyist Registration Administration
9 Fund for administration and enforcement of this Act.

10 (Source: P.A. 98-459, eff. 1-1-14.)

11 (25 ILCS 170/6) (from Ch. 63, par. 176)

12 Sec. 6. Reports.

13 (a) Lobbyist reports. Except as otherwise provided in this
14 Section, every lobbyist registered under this Act who is solely
15 employed by a lobbying entity shall file an affirmation,
16 verified under oath pursuant to Section 1-109 of the Code of
17 Civil Procedure, with the Secretary of State attesting to the
18 accuracy of any reports filed pursuant to subsection (b) as
19 those reports pertain to work performed by the lobbyist. Any
20 lobbyist registered under this Act who is not solely employed
21 by a lobbying entity shall personally file reports required of
22 lobbying entities pursuant to subsection (b). A lobbyist may,
23 if authorized so to do by a lobbying entity by whom he or she is
24 employed or retained, file lobbying entity reports pursuant to
25 subsection (b) provided that the lobbying entity may delegate

1 the filing of the lobbying entity report to only one lobbyist
2 in any reporting period.

3 (b) Lobbying entity reports. Every lobbying entity
4 registered under this Act shall report expenditures related to
5 lobbying. The report shall itemize each individual expenditure
6 or transaction and shall include the name of the official on
7 whose behalf the expenditure was made, the name of the client
8 if the expenditure was made on behalf of a client, the total
9 amount of the expenditure, a description of the expenditure,
10 the vendor or purveyor to whom the expenditure was made
11 (including the address or location of the expenditure), the
12 date on which the expenditure occurred and the subject matter
13 of the lobbying activity, if any. For those expenditures made
14 on behalf of a client, if the client is a client registrant,
15 the report shall also include the name and address of the
16 client or clients of the client registrant and ~~or~~ the official
17 or officials on whose behalf the expenditure ultimately was
18 made. Each expenditure required to be reported shall include
19 all expenses made for or on behalf of an official or his or her
20 immediate family member living with the official.

21 (b-1) The report shall include any change or addition to
22 the client list information, required in Section 5 for
23 registration, since the last report, including the names and
24 addresses of all clients who retained the lobbying entity
25 together with an itemized description for each client of the
26 following: (1) lobbying regarding executive action, including

1 the name of any executive agency lobbied and the subject
2 matter; (2) lobbying regarding legislative action, including
3 the General Assembly and any other agencies lobbied and the
4 subject matter; and (3) lobbying regarding administrative
5 action, including the agency lobbied and the subject matter.
6 Registrants who made no reportable expenditures during a
7 reporting period shall file a report stating that no
8 expenditures were incurred.

9 (b-2) Expenditures attributable to lobbying officials
10 shall be listed and reported according to the following
11 categories:

12 (1) Travel and lodging on behalf of others, including,
13 but not limited to, all travel and living accommodations
14 made for or on behalf of State officials during sessions of
15 the General Assembly.

16 (2) Meals, beverages and other entertainment.

17 (3) Gifts (indicating which, if any, are on the basis
18 of personal friendship).

19 (4) Honoraria.

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

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

8 (b-7) Matters excluded from reports. The following items
9 need not be included in the report:

10 (1) Reasonable and bona fide expenditures made by the
11 registrant who is a member of a legislative or State study
12 commission or committee while attending and participating
13 in meetings and hearings of such commission or committee.

14 (2) Reasonable and bona fide expenditures made by the
15 registrant for personal sustenance, lodging, travel,
16 office expenses and clerical or support staff.

17 (3) Salaries, fees, and other compensation paid to the
18 registrant for the purposes of lobbying.

19 (4) Any contributions required to be reported under
20 Article 9 of the Election Code.

21 (5) Expenditures made by a registrant on behalf of an
22 official that are returned or reimbursed prior to the
23 deadline for submission of the report.

24 (c) A registrant who terminates employment or duties which
25 required him to register under this Act shall give the
26 Secretary of State, within 30 days after the date of such

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

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

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

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

21 (f) Reports ~~A report for the period beginning January 1,~~
22 ~~2010 and ending on June 30, 2010 shall be filed no later than~~
23 ~~July 15, 2010, and a report for the period beginning July 1,~~
24 ~~2010 and ending on December 31, 2010 shall be filed no later~~
25 ~~than January 15, 2011. Beginning January 1, 2011, reports shall~~
26 be filed semi-monthly as follows: (i) for the period beginning

1 the first day of the month through the 15th day of the month,
2 the report shall be filed no later than the 20th day of the
3 month and (ii) for the period beginning on the 16th day of the
4 month through the last day of the month, the report shall be
5 filed no later than the 5th day of the following month. A
6 report filed under this Act is due in the Office of the
7 Secretary of State no later than the close of business on the
8 date on which it is required to be filed.

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

11 (Source: P.A. 98-459, eff. 1-1-14.)

12 Section 10. The Illinois Vehicle Code is amended by
13 changing Section 6-110.1 as follows:

14 (625 ILCS 5/6-110.1)

15 Sec. 6-110.1. Confidentiality of captured photographs or
16 images. The Secretary of State shall maintain a file on or
17 contract to file all photographs and signatures obtained in the
18 process of issuing a driver's license, permit, or
19 identification card. The photographs and signatures shall be
20 confidential and shall not be disclosed except to the following
21 persons:

22 (1) the individual upon written request;

23 (2) officers and employees of the Secretary of State
24 who have a need to have access to the stored images for

1 purposes of issuing and controlling driver's licenses,
2 permits, or identification cards;

3 (3) law enforcement officials for a lawful civil or
4 criminal law enforcement investigation;

5 (3-5) the State Board of Elections for the sole purpose
6 of providing the signatures required by a local election
7 authority to register a voter through an online voter
8 registration system; ~~or~~

9 (3-10) officers and employees of the Secretary of State
10 who require access to the stored images for purpose of
11 issuing lobbyist identification cards pursuant to Section
12 5 of the Lobbyist Registration Act; or

13 (4) other entities that the Secretary may exempt by
14 rule.

15 (Source: P.A. 98-115, eff. 7-29-13.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.