

1 AMENDMENT TO HOUSE BILL 1330

2 AMENDMENT NO. _____. Amend House Bill 1330 by replacing
3 the title with the following:

4 "AN ACT in relation to ethics."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Purpose.

8 (a) The General Assembly finds and declares that:

9 (1) Public Act 90-737, effective January 1, 1999,
10 contained provisions creating the State Gift Ban Act and
11 amending the Open Meetings Act, the Freedom of
12 Information Act, the Illinois Governmental Ethics Act,
13 the Election Code, and the Lobbyist Registration Act.

14 (2) On March 30, 1999, the Illinois Circuit Court
15 of the 7th Judicial Circuit, in Illinois State Bar
16 Association v. Ryan, Case No. 99-MR-363, ruled that the
17 provisions of Public Act 90-737 creating the State Gift
18 Ban Act (i) are unconstitutional to the extent the
19 legislature attempted to prohibit activities already in
20 force as to judges and (ii) are unconstitutional to the
21 extent that bodies other than the Judicial Inquiry Board
22 and the Courts Commission may discipline judges. On

1 September 8, 2000, the Illinois Circuit Court of the 12th
2 Judicial Circuit, in Flynn v. Ryan, Docket No. 99 CH 340,
3 ruled that Public Act 90-737 (i) is unconstitutionally
4 vague; (ii) violates the separation of powers clause
5 (Article 2, Section 1) of the Illinois Constitution;
6 (iii) violates the provisions of Article 4, Section 14 of
7 the Illinois Constitution, which provides the sole means
8 for removing officials from office; (iv) violates Article
9 4, Section 2(c) of the Illinois Constitution, which sets
10 eligibility requirements to hold office; and (v) is
11 unconstitutional in its entirety.

12 (3) The provisions of Public Act 9-737 are of vital
13 concern to the people of this State, and legislative
14 action concerning Public Act 90-737 is necessary.

15 (b) It is the purpose of this Act to re-enact the
16 provisions of Public Act 90-737, including subsequent
17 amendments. This Act is intended to remove any question as
18 to the validity or content of those provisions.

19 (c) This Act is not intended to supersede any other
20 Public Act that amends the text of the Sections as set forth
21 in this Act. The material is shown as existing text (i.e.,
22 without striking or underscoring), except (i) for technical
23 changes having a revisory function and (ii) as provided in
24 subsection (d) of this Section.

25 (d) In addition to re-enacting the provisions of Public
26 Act 90-737, this Act amends Sections 5, 10, 15, 20, 30, 35,
27 45, 50, 55, 60, 65, 75, 80, 83, 85, and 95 of the State Gift
28 Ban Act; Section 1.02 of the Open Meetings Act; Section 7 of
29 the Freedom of Information Act; Section 9-23 of the Election
30 Code; and Section 50-30 of the Illinois Procurement Code and
31 adds Sections 9-8.5, 9-8.6, and 9-8.7 to the Election Code.
32 The amendments are shown by underscoring and striking text.

33 Section 5. The State Gift Ban Act is amended by

1 re-enacting Sections 1, 25, 40, and 70 and by re-enacting and
2 changing Sections 5, 10, 15, 20, 30, 35, 45, 50, 55, 60, 65,
3 75, 80, 83, 85, and 95 as follows:

4 (5 ILCS 425/1)

5 Sec. 1. Short title. This Act may be cited as the State
6 Gift Ban Act.

7 (Source: P.A. 90-737, eff. 1-1-99.)

8 (5 ILCS 425/5)

9 Sec. 5. Definitions. As used in this Act:

10 "Board Commission" means the an Ethics Board commission
11 created by this Act.

12 "Employee" means all full-time, part-time, and
13 contractual employees of the executive and legislative
14 branches of State government,~~---appointed--and--elected~~
15 ~~officials,--and--directors--of--a--governmental--entity.~~

16 "Gift" means any gratuity, discount, entertainment,
17 hospitality, loan, forbearance, or other tangible or
18 intangible item having monetary value including, but not
19 limited to, cash, food and drink, and honoraria for speaking
20 engagements related to or attributable to government
21 employment or the official position of an employee, member,
22 or officer,~~or-judge.~~

23 "Governmental entity" means each office, board,
24 commission, agency, department, authority, institution,
25 university, body politic and corporate, administrative unit,
26 and corporate outgrowth of the executive and, legislative,
27 ~~and-judicial~~ branches of State government, whether created by
28 the Illinois Constitution, by or in accordance with statute,
29 or by executive order of the Governor. "Governmental entity"
30 includes the Health Facilities Planning Board.

31 "~~Judge~~"-means-judges-and-associate-judges-of-the--Supreme
32 ~~Court,--Appellate-Courts,--and--Circuit-Courts.~~

1 "Member" means a member of the General Assembly.

2 "Officer" means a State constitutional officer.

3 "Political organization" means a party, committee,
4 association, fund, or other organization (whether or not
5 incorporated) organized and operated primarily for the
6 purpose of directly or indirectly accepting contributions or
7 making expenditures, or both, for the function of influencing
8 or attempting to influence the selection, nomination,
9 election, or appointment of any individual to any federal,
10 state, or local public office or office in a political
11 organization, or the election of Presidential or
12 Vice-Presidential electors, whether or not the individual or
13 electors are selected, nominated, elected, or appointed. The
14 term includes the making of expenditures relating to an
15 office described in the preceding sentence that, if incurred
16 by the individual, would be allowable as a federal income tax
17 deduction for trade or business expenses.

18 "Prohibited source" means any person or entity who:

19 (1) is seeking official action (i) by the member
20 or officer ~~or~~ judge or (ii) in the case of an employee,
21 by the employee or by the member, officer, judge,
22 governmental entity, or other employee directing the
23 employee;

24 (2) does business or seeks to do business (i) with
25 the member or officer ~~or~~ judge or (ii) in the case of
26 an employee, with the employee or with the member,
27 officer, judge, governmental entity, or other employee
28 directing the employee;

29 (3) conducts activities regulated (i) by the member
30 or officer ~~or~~ judge or (ii) in the case of an employee,
31 by the employee or by the member, officer, judge,
32 governmental entity, or other employee directing the
33 employee;

34 (4) has interests that may be substantially

1 affected by the performance or non-performance of the
2 official duties of the member, officer, or employee, ~~or~~
3 judge; or

4 (5) is registered or required to be registered with
5 the Secretary of State under the Lobbyist Registration
6 Act.

7 "Ultimate jurisdictional authority" means the following:

8 (1) For members, partisan staff, and their
9 secretaries, the appropriate legislative leader:
10 President of the Senate, Minority Leader of the Senate,
11 Speaker of the House of Representatives, or Minority
12 Leader of the House of Representatives.

13 (2) For State employees who are professional staff
14 or employees of the Senate and not covered under item
15 (1), the Senate Operations Commission.

16 (3) For State employees who are professional staff
17 or employees of the House of Representatives and not
18 covered under item (1), the Speaker of the House of
19 Representatives.

20 (4) For State employees who are employees of the
21 legislative support services agencies, the Joint
22 Committee on Legislative Support Services.

23 (5) (Blank). ~~For judges, the Chief Justice of the~~
24 ~~Supreme Court.~~

25 (6) (Blank). ~~For State employees of the judicial~~
26 ~~branch, the Administrative Office of the Illinois Courts.~~

27 (7) For State employees of an executive branch
28 constitutional officer, the appropriate executive branch
29 constitutional officer.

30 (8) For State employees not under the jurisdiction
31 of paragraph (1), (2), (3), (4), ~~(5)~~ ~~(6)~~ or (7), the
32 Governor.

33 (9) For officers, the General Assembly.

34 (Source: P.A. 90-737, eff. 1-1-99; 91-782, eff. 6-9-00.)

(5 ILCS 425/10)

Sec. 10. Gift ban. Except as otherwise provided in this Act, no member, officer, or employee, ~~or~~ judge shall solicit or accept any gift with a value of more than \$50 from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes spouses of and immediate family living with the member, officer, or employee, ~~or~~ judge. No prohibited source shall offer or make a gift that violates this Section.

(Source: P.A. 90-737, eff. 1-1-99.)

(5 ILCS 425/15)

Sec. 15. Exceptions. The restriction in Section 10 does not apply to the following:

(1) Opportunities and benefits that are available to the general public. ~~Anything--for--which--the--member, officer, employee, or judge pays the market value or anything not used and promptly disposed of as provided in Section 25.~~

(2) Educational materials. ~~A contribution,--as--defined in Article 9 of the Election Code that is lawfully made under that--Act--or--attendance--at--a--fundraising--event--sponsored--by--a political organization.~~

(3) Travel expenses for a meeting to discuss State business.

(4) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

1 (4) Anything provided by an individual on the basis of a
 2 personal friendship unless the member, officer, or employee,
 3 ~~or~~-judge has reason to believe that, under the circumstances,
 4 the gift was provided because of the official position or
 5 employment of the member, officer, or employee,~~or~~-judge and
 6 not because of the personal friendship.

7 In determining whether a gift is provided on the basis of
 8 personal friendship, the member, officer, or employee,~~or~~
 9 judge shall consider the circumstances under which the gift
 10 was offered, such as:

11 (i) the history of the relationship between the
 12 individual giving the gift and the recipient of the gift,
 13 including any previous exchange of gifts between those
 14 individuals;

15 (ii) whether to the actual knowledge of the member,
 16 officer, or employee,~~or~~-judge the individual who gave
 17 the gift personally paid for the gift or sought a tax
 18 deduction or business reimbursement for the gift; and

19 (iii) whether to the actual knowledge of the
 20 member, officer, or employee,~~or~~-judge the individual who
 21 gave the gift also at the same time gave the same or
 22 similar gifts to other members, officers, or employees,
 23 ~~or~~-judges.

24 (5) Food or refreshments not exceeding \$75 in value;
 25 provided that the food or refreshments are (i) consumed on
 26 the premises from which they were purchased or (ii) catered.
 27 For the purposes of this Section, "catered" means food or
 28 refreshments that are purchased ready to eat and delivered by
 29 any means. A--commercially--reasonable--loan--evidenced--in
 30 writing--with--repayment--due--by--a--date--certain--made--in--the
 31 ordinary--course--of--the--lender's--business.

32 (6) ~~--A--contribution--or--other--payments--to--a--legal--defense~~
 33 ~~fund--established--for--the--benefit--of--a--member,--officer,~~
 34 ~~employee,--or--judge--that--is--otherwise--lawfully--made.~~

1 (7) Intra-office and inter-office gifts. For the
2 purpose of this Act, "intra-office gifts" means:

3 (i) any gift given to a member or employee of the
4 legislative branch from another member or employee of the
5 legislative branch;

6 (ii) any gift given to a judge or employee of the
7 judicial branch from another judge or employee of the
8 judicial branch;

9 (iii) any gift given to an officer or employee of
10 the executive branch from another officer or employee of
11 the executive branch;

12 (iv) any gift given to an officer or employee of a
13 unit of local government, home-rule unit, or school
14 district, from another employee of that unit of local
15 government, home-rule unit, or school district;

16 (v) any gift given to an officer or employee of any
17 other governmental entity not included in item (i), (ii),
18 (iii), or (iv), from another employee of that
19 governmental entity; or

20 (vi) any gift given to a member or employee of the
21 legislative branch, a judge or employee of the judicial
22 branch, an officer or employee of the executive branch,
23 an officer or employee of a unit of local government,
24 home-rule unit, or school district, or an officer or
25 employee of any other governmental entity not included in
26 item (i), (ii), (iii), or (iv) from a member or employee
27 of the legislative branch, a judge or employee of the
28 judicial branch, an officer or employee of the executive
29 branch, an officer or employee of a unit of local
30 government, home-rule unit, or school district, or an
31 officer or employee of any other governmental entity.

32 (8) Food, refreshments, lodging, transportation, and
33 other benefits:

34 (i) resulting from the outside business or

1 employment-activities-(or-outside-activities-that-are-not
2 connected-to-the-duties-of-the-member, officer, employee,
3 or-judge, as-an-office-holder-or-employee)-of-the-member,
4 officer, --employee, --judge, --or-the-spouse-of-the-member,
5 officer, employee, or-judge, if--the--benefits--have--not
6 been-offered-or-enhanced-because-of-the-official-position
7 or--employment-of-the-member, officer, employee, or-judge
8 and--are--customarily--provided--to--others--in--similar
9 circumstances;

10 (ii)--customarily-provided-by-a-prospective-employer
11 in-connection-with-bona-fide-employment-discussions; or

12 (iii)--provided--by--a--political--organization--in
13 connection-with-a-fundraising-or-campaign-event-sponsored
14 by-that-organization.

15 (9)--Pension-and-other-benefits-resulting-from--continued
16 participation--in--an--employee--welfare--and--benefits--plan
17 maintained-by-a-former-employer.

18 (10)--Informational-materials-that-are-sent-to-the-office
19 of--the--member, officer, employee, or-judge-in-the-form-of
20 books, --articles, --periodicals, --other--written--materials,
21 audiotapes, videotapes, or-other-forms-of-communication.

22 (11)--Awards--or--prizes-that-are-given-to-competitors-in
23 contests-or-events--open--to--the--public, --including--random
24 drawings.

25 (12)--Honorary--degrees--(and--associated--travel, --food,
26 refreshments, --and-entertainment-provided-in-the-presentation
27 of-degrees-and-awards).

28 (13)--Training-(including-food-and-refreshments-furnished
29 to-all--attendees--as--an--integral--part--of--the--training)
30 provided--to--a--member, officer, employee, or-judge, if-the
31 training-is-in-the-interest-of-the-governmental-entity.

32 (14)--Educational--missions, --including--meetings--with
33 government--officials-either-foreign-or-domestic, --intended-to
34 educate-public-officials-on--matters--of--public--policy, --to

1 which--the-member,-officer,-employee,-or-judge-may-be-invited
2 to-participate-along-with--other--federal,-state,-or--local
3 public-officials-and-community-leaders.

4 (6) (15) Bequests, inheritances, and other transfers at
5 death.

6 (16)--Anything--that--is--paid---for---by---the---federal
7 government,-the--State,-or-a-governmental-entity,-or-secured
8 by-the-government-or-governmental-entity-under--a--government
9 contract.

10 (17)--A--gift--of--personal--hospitality-of-an-individual
11 other-than-a--registered--lobbyist--or--agent--of--a--foreign
12 principal,-including--hospitality-extended-for-a-nonbusiness
13 purpose-by-an-individual,-not-a-corporation-or--organization,
14 at---the---personal--residence--of--that--individual--or--the
15 individual's-family-or-on-property--or--facilities--owned--by
16 that-individual-or-the-individual's-family.

17 (18)--Free---attendance---at---a--widely--attended--event
18 permitted-under-Section-20.

19 (19)--Opportunities-and-benefits-that-are:

20 (i)--available--to--the--public--or---to---a---class
21 consisting---of--all--employees,-officers,-members,-or
22 judges,-whether--or--not--restricted--on--the--basis--of
23 geographic-consideration;

24 (ii)--offered-to-members-of--a--group--or--class--in
25 which--membership--is-unrelated-to-employment-or-official
26 position;

27 (iii)--offered-to-members-of-an-organization-such-as
28 an-employee's--association--or--credit--union,-in--which
29 membership--is-related-to-employment-or-official-position
30 and-similar-opportunities-are-available-to-large-segments
31 of-the-public-through-organizations-of-similar-size;

32 (iv)--offered-to-any-group--or--class--that--is--not
33 defined-in-a-manner-that-specifically-discriminates-among
34 government-employees-on-the-basis-of-branch-of-government

1 or--type--of--responsibility,--or--on-a-basis-that-favors
2 these-of-higher-rank-or-rate-of-pay;

3 (v)--in-the-form--of--loans--from--banks--and--other
4 financial--institutions--on--terms-generally-available-to
5 the-public;-or

6 (vi)--in-the-form-of--reduced--membership--or--other
7 fees-for-participation-in-organization-activities-offered
8 to-all-government-employees-by-professional-organizations
9 if---the---only--restrictions--on--membership--relate--to
10 professional-qualifications.

11 (20)--A--plaque,--trophy,---or---other---item---that---is
12 substantially--commemorative--in--nature-and-that-is-extended
13 for-presentation.

14 (21)--Golf-or-tennis;-food--or--refreshments--of--nominal
15 value--and--eatered--food-or-refreshments;-meals-or-beverages
16 consumed-on-the-premises-from-which-they-were-purchased.

17 (22)--Donations-of-products-from-an-Illinois-company-that
18 are-intended-primarily--for--promotional--purposes,--such--as
19 display-or-free-distribution,--and-are-of-minimal-value-to-any
20 individual-recipient.

21 (23)--An--item--of-nominal-value-such-as-a-greeting-card,
22 baseball-cap,--or-T-shirt.

23 (Source: P.A. 90-737, eff. 1-1-99.)

24 (5 ILCS 425/20)

25 Sec. 20. Attendance at meetings events.

26 (a) A member, officer, or employee,--or-judge may accept
27 travel expenses in connection with a meeting to discuss State
28 business, as defined by rules adopted by the Board. an-offer
29 of--free--attendance--at--a---widely---attended---convention,
30 conference,---symposium,--forum,--panel--discussion,--dinner,
31 viewing,--reception,--or-similar-event,--provided-by-the-sponsor
32 of-the-event,--if:

33 (1)--the--member,--officer,---employee,---or---judge

1 participates in the event as a speaker or a panel
 2 participant, by presenting information related to
 3 government, or by performing a ceremonial function
 4 appropriate to the member's, officer's, employee's, or
 5 judge's official position or employment; or

6 (2) attendance at the event is appropriate to the
 7 performance of civic affairs in Illinois or the official
 8 duties or representative function of the member, officer,
 9 employee, or judge.

10 (b) A member, officer, employee, or judge who attends an
 11 event described in subsection (a) may accept a sponsor's
 12 unsolicited offer of free attendance at the event for an
 13 accompanying individual.

14 (c) A member, officer, employee, or judge, or the spouse
 15 or dependent thereof, may accept a sponsor's unsolicited
 16 offer of free attendance at a charity event, except that
 17 reimbursement for transportation and lodging may not be
 18 accepted in connection with the event.

19 (d) For purposes of this Section, the term "free
 20 attendance" may include waiver of all or part of a conference
 21 or other fee, the provision of transportation, or the
 22 provision of food, refreshments, entertainment, and
 23 instructional materials furnished to all attendees as an
 24 integral part of the event. The term does not include
 25 entertainment collateral to the event, nor does it include
 26 food or refreshments taken other than in a group setting with
 27 all or substantially all other attendees, except as
 28 authorized under subsection (21) of Section 15.

29 (Source: P.A. 90-737, eff. 1-1-99.)

30 (5 ILCS 425/25)

31 Sec. 25. Disposition of gifts. The recipient of a gift
 32 that is given in violation of this Act may, at his or her
 33 discretion, return the item to the donor or give the item or

1 an amount equal to its value to an appropriate charity.
2 (Source: P.A. 90-737, eff. 1-1-99.)

3 (5 ILCS 425/30)

4 Sec. 30. Reimbursement.

5 (a) A reimbursement (including payment in kind) to a
6 member, officer, or ~~employee~~~~-or-judge~~ from a private source
7 other than a registered lobbyist or agent of a foreign
8 principal for necessary transportation, lodging, and related
9 expenses for travel to a meeting~~-speaking--engagement~~~~-fact~~
10 ~~finding--trip~~~~-or-similar-event~~ in connection with the duties
11 of the member, officer, or ~~employee~~~~-or-judge~~ as an office
12 holder or employee shall be deemed to be a reimbursement to
13 the governmental entity and not a gift prohibited by this Act
14 if the member, officer, or ~~employee~~~~-or-judge~~:

15 (1) discloses the expenses reimbursed or to be
16 reimbursed and the authorization to the Clerk of the
17 House of Representatives, the Secretary of the Senate,
18 the State Comptroller, fiscal officer, or similar
19 authority as appropriate, within 30 days after the travel
20 is completed; and

21 (2) in the case of an employee, receives advance
22 authorization, from the member, officer, ~~judge~~ or other
23 employee under whose direct supervision the employee
24 works to accept reimbursement.

25 (b) For purposes of subsection (a), events, the
26 activities of which are substantially recreational in nature,
27 shall not be considered to be in connection with the duties
28 of a member, officer, or ~~employee~~~~-or-judge~~ as an office
29 holder or employee.

30 (c) Each advance authorization to accept reimbursement
31 shall be signed by the member, officer, ~~judge~~ or other
32 employee under whose direct supervision the employee works
33 and shall include:

- 1 (1) the name of the employee;
- 2 (2) the name of the person who will make the
- 3 reimbursement;
- 4 (3) the time, place, and purpose of the travel; and
- 5 (4) a determination that the travel is in
- 6 connection with the duties of the employee as an employee
- 7 and would not create the appearance that the employee is
- 8 using public employment for private gain.

9 (d) Each disclosure made under subsection (a) of
10 expenses reimbursed or to be reimbursed shall be signed by
11 the member or, officer, ~~or~~ judge (in the case of travel by
12 the member or, officer, ~~or~~ judge) or by the member, officer,
13 judge, or other employee under whose direct supervision the
14 employee works (in the case of travel by an employee) and
15 shall include:

- 16 (1) a good faith estimate of total transportation
- 17 expenses reimbursed or to be reimbursed;
- 18 (2) a good faith estimate of total lodging expenses
- 19 reimbursed or to be reimbursed;
- 20 (3) a good faith estimate of total meal expenses
- 21 reimbursed or to be reimbursed;
- 22 (4) a good faith estimate of the total of other
- 23 expenses reimbursed or to be reimbursed; and
- 24 (5) a determination that all those expenses are
- 25 necessary transportation, lodging, and related expenses.

26 (Source: P.A. 90-737, eff. 1-1-99.)

27 (5 ILCS 425/35)

28 Sec. 35. Ethics Officer. Each officer and the head of
29 each governmental entity shall designate an Ethics Officer
30 for the office or governmental entity. For the legislative
31 branch, the President and Minority Leader of the Senate and
32 the Speaker and Minority Leader of the House of
33 Representatives shall each appoint an ethics officer for the

1 legislative members of their political party. Ethics Officers
2 shall:

3 (1) review statements of economic interest and
4 disclosure forms of members, officers, judges, senior
5 employees, and contract monitors before they are filed
6 with the Secretary of State; and

7 (2) provide guidance to members, officers, and
8 employees, ~~and~~ judges in the interpretation and
9 implementation of this Act.

10 (Source: P.A. 90-737, eff. 1-1-99.)

11 (5 ILCS 425/40)

12 Sec. 40. Further restrictions. A governmental entity
13 may adopt or maintain policies that are more restrictive than
14 those set forth in this Act and shall continue to follow any
15 existing policies, statutes, or regulations that are more
16 restrictive or are in addition to those set forth in this
17 Act.

18 (Source: P.A. 90-737, eff. 1-1-99.)

19 (5 ILCS 425/45)

20 Sec. 45. Ethics Board.

21 (a) There is created an Ethics Board, consisting of 8
22 members appointed by the Governor with the advice and consent
23 of the Senate. Four of the members must be residents of Cook
24 County and 4 members must be residents of the State outside
25 of Cook County. Of the 4 members from each area of required
26 residence, 2 must be affiliated with the same political party
27 as the Governor and 2 must be affiliated with the political
28 party whose nominee for Governor in the most recent general
29 election received the the second highest number of votes.
30 Members affiliated with a political party other than the
31 Governor's political party must be chosen from a list of
32 nominees submitted to the Governor by the first State

1 constitutional office in the order indicated in this
 2 paragraph that is affiliated with the political party
 3 receiving the second highest number of votes for Governor
 4 (or, if no State constitutional officer is affiliated with
 5 that political party, the first State constitutional officer
 6 affiliated with an established political party other than the
 7 Governor's party): Attorney General, Secretary of State,
 8 State Comptroller, and State Treasurer. The initial
 9 appointments to the Board must be made within 60 days after
 10 the effective date of this Act.

11 Ethics-Commissions.

12 (a)--Ethics--Commissions--are--created--for--the--branches--of
 13 government--as--provided--in--this--Section.---The---initial
 14 appointments--to--each--commission--shall--be--made--within--60--days
 15 after--the--effective--date--of--this--Act.---The--appointing
 16 authorities--shall--appoint--commissioners--who--have--experience
 17 holding--governmental--office--or--employment--and--shall--appoint
 18 commissioners--from--the--general--public--or--from--within--the
 19 appointing--authority's--branch--of--government.---With--respect--to
 20 each--of--the--ethics--commissions--designated--in--items--(1),--(2),
 21 (3),--(4),--and--(5),--no--more--than--4--of--the--7--appointees--shall
 22 be--of--the--same--political--party.---The--appointee---shall
 23 establish--his--or--her--political--party--affiliation--by--his--or
 24 her--last--record--of--voting--in--a--party--primary--election.

25 (1)--For--the--ethics--commission--of--the--Governor--there
 26 shall--be--7--commissioners--appointed--by--the--Governor.---This
 27 ethics--commission--shall--have--jurisdiction--over--all--of--the
 28 executive--branch--of--State--government--except--the--officers
 29 specified--in--items--(2),--(3),--(4),--and--(5)--and--their
 30 employees.

31 (2)--For--the--ethics--commission--of--the--Attorney
 32 General--there--shall--be--7--commissioners--appointed--by--the
 33 Attorney-General.

34 (3)--For--the--ethics--commission--of--the--Secretary--of

1 State--there--shall--be--7-commissioners-appointed-by-the
2 Secretary-of-State.

3 (4)--For-the-ethics-commission--of--the--Comptroller
4 there---shall---be---7--commissioners--appointed--by--the
5 Comptroller.

6 (5)--For-the--ethics--commission--of--the--Treasurer
7 there---shall---be---7--commissioners--appointed--by--the
8 Treasurer.

9 (6)--For-the-ethics-commission--of--the--legislative
10 branch--there--shall-be-8-commissioners.--The-Speaker-and
11 the-Minority-Leader-of-the-House-of--Representatives--and
12 the-President-and-the-Minority-Leader-of-the-Senate-shall
13 each-appoint-2-commissioners.

14 (7)--For--the--ethics--commission--of--the--judicial
15 branch-there-shall-be-6-commissioners.--The-Chief-Justice
16 of-the-Supreme-Court-shall-appoint-the-commissioners-with
17 the-concurrence-of-3-other-Supreme-Court-Judges.

18 (b) At the first meeting of the Board each-commission,
19 the initial appointees shall draw lots to divide into 2
20 groups. Members Commissioners of the first group shall serve
21 2-year terms, and members commissioners of the second group
22 shall serve one-year terms. Thereafter members commissioners
23 shall be appointed to 2-year terms. Members Commissioners may
24 be reappointed to serve subsequent terms.

25 (c) The Governor respective--appointing--authority--or
26 authorities may remove a member commissioner appointed by him
27 or her that--authority--or--these--authorities in case of
28 incompetency, neglect of duty, or malfeasance in office after
29 service on the member commissioner by certified mail, return
30 receipt requested, of a copy of the written charges against
31 the member commissioner and an opportunity to be heard in
32 person or by counsel upon not less than 10 days' notice.
33 Vacancies shall be filled by the Governor with the advice and
34 consent of the Senate appropriate-appointing-authority-or

1 authorities.

2 (d) The Board must meet at least once per month. Each
3 ~~commission--shall--meet--as--often--as--necessary--to--perform--its~~
4 ~~duties.~~ Except for the ethics commission for the legislative
5 branch, At the first meeting of the Board each ~~commission~~
6 the members ~~commissioners~~ shall choose a chairperson from
7 their number. For the ethics commission for the legislative
8 branch, the President of the Senate and whichever of the
9 Speaker or Minority Leader of the House is of the same
10 political party as the President shall jointly designate one
11 member as co-chair; the other 2 legislative leaders shall
12 jointly designate the other co-chair. Meetings shall be held
13 at the call of the chairperson or any 2 members
14 ~~commissioners~~. Official action by the Board ~~commission~~ shall
15 require 5 members, and a quorum is 5 members the affirmative
16 vote of the number of commissioners provided in this
17 subsection, and a quorum shall consist of the number of
18 commissioners provided in this subsection. The number of
19 commissioners required for a quorum and the affirmative vote
20 of each ethics commission shall be as follows: for the
21 Governor, 4; for the Attorney General, 4; for the Secretary
22 of State, 4; for the Treasurer, 4; for the Comptroller, 4;
23 for the legislative branch, 5; for the judicial branch, 4.
24 Commissioners may be reimbursed for their reasonable expenses
25 actually incurred in the performance of their duties.

26 (Source: P.A. 90-737, eff. 1-1-99.)

27 (5 ILCS 425/50)

28 Sec. 50. Staff. The Board Each ~~commission~~ may employ
29 necessary staff persons and may contract for services that
30 cannot be satisfactorily performed by the staff.

31 (Source: P.A. 90-737, eff. 1-1-99.)

32 (5 ILCS 425/55)

1 Sec. 55. Powers and duties. The Board Each-commission
2 shall have the following powers and duties:

3 (1) To promulgate procedures and rules governing the
4 performance of its duties and the exercise of its powers.
5 Rules defining "a meeting to conduct State business" must be
6 adopted as soon as possible, but in any case, no later than
7 120 days after the effective date of this amendatory Act of
8 the 92nd General Assembly. The Board may adopt emergency
9 rules under Section 5-45 of the Illinois Administrative
10 Procedure Act.

11 (2) Upon receipt of a signed, notarized, written
12 complaint, to investigate, conduct research, conduct closed
13 hearings and deliberations, issue recommendations, and impose
14 a fine.

15 (3) To act only upon the receipt of a written complaint
16 alleging a violation of this Act and not upon its own
17 prerogative.

18 (4) To receive information from the public pertaining to
19 its investigations and to require additional information and
20 documents from persons who may have violated this Act.

21 (5) To subpoena witnesses and compel the production of
22 books and papers pertinent to an investigation authorized by
23 this Act.

24 (6) To request that the Attorney General provide legal
25 advice without charge to the commission.

26 (7) To prepare and publish manuals and guides explaining
27 the duties of individuals covered by this Act.

28 (8) To prepare public information materials to
29 facilitate compliance, implementation, and enforcement of
30 this Act.

31 (9) To submit to the Governor each---commissiener's
32 respective--appointing--authority--or--authorities an annual
33 statistical report for each year consisting of (i) the number
34 of complaints filed, (ii) the number of complaints deemed to

1 sufficiently allege a violation of this Act, (iii) the
 2 recommendation, fine, or decision issued for each complaint,
 3 (iv) the number of complaints resolved, and (v) the status of
 4 pending complaints.

5 The powers and duties of a commission are limited to
 6 matters clearly within the purview of this Act.

7 (Source: P.A. 90-737, eff. 1-1-99.)

8 (5 ILCS 425/60)

9 Sec. 60. Complaint procedure.

10 (a) Complaints alleging the violation of this Act shall
 11 be filed with the Board ~~appropriate-ethics-commission-as~~
 12 ~~follows:~~

13 (1) ~~If the complaint alleges a violation by an~~
 14 ~~officer or employee of the executive branch of State~~
 15 ~~government, then the complaint shall be filed with the~~
 16 ~~appropriate ethics commission within the executive~~
 17 ~~branch.~~

18 (2) ~~If the complaint alleges a violation by a judge~~
 19 ~~or employee of the judicial branch of government, then~~
 20 ~~the complaint shall be filed with the judicial ethics~~
 21 ~~commission.~~

22 (3) ~~If the complaint alleges a violation by a~~
 23 ~~member or employee of the legislative branch of State~~
 24 ~~government or any employee not included within paragraphs~~
 25 ~~(1) or (2), then the complaint shall be filed with the~~
 26 ~~legislative ethics commission.~~

27 Any complaint received by or incident reported to a
 28 member, officer, employee, judge, or governmental entity
 29 alleging the violation of this Act shall be forwarded to the
 30 Board ~~appropriate-commission~~. The complaint shall not be
 31 properly filed until submitted to the Board ~~appropriate~~
 32 ~~commission~~.

33 (b) Within 3 business days after the receipt of an

1 ethics complaint, the Board eemmission shall send by
2 certified mail, return receipt requested, a notice to the
3 respondent that a complaint has been filed against him or her
4 and a copy of the complaint. The Board eemmission shall send
5 by certified mail, return receipt requested, a confirmation
6 of the receipt of the complaint to the complainant within 3
7 business days after the submittal to the Board eemmission.
8 The notices to the respondent and the complainant shall also
9 advise them of the date, time, and place of the meeting on
10 the sufficiency of the complaint and probable cause.

11 (c) Upon at least 24 hours' public notice of the
12 session, the Board eemmission shall meet in a closed session
13 to review the sufficiency of the complaint and, if the
14 complaint is deemed to sufficiently allege a violation of
15 this Act, to determine if there is probable cause, based on
16 evidence presented by the complainant, to proceed. The Board
17 eemmission shall issue notice to the complainant and the
18 respondent of the Board's eemmission's ruling on the
19 sufficiency of the complaint and, if necessary, on probable
20 cause within 7 business days after receiving the complaint.
21 If the complaint is deemed to sufficiently allege a violation
22 of this Act and there is a determination of probable cause,
23 then the Board's eemmission's notice to the parties shall
24 include a hearing date scheduled within 4 weeks after the
25 complaint's receipt. If the complaint is deemed not to
26 sufficiently allege a violation or if there is no
27 determination of probable cause, then the Board eemmission
28 shall send by certified mail, return receipt requested, a
29 notice to the parties of the decision to dismiss the
30 complaint, and that notice shall be made public.

31 (d) On the scheduled date and upon at least 24 hours'
32 public notice of the meeting, the Board eemmission shall
33 conduct a elosed meeting on the complaint and allow both
34 parties the opportunity to present testimony and evidence.

1 (e) Within 6 weeks after the complaint's receipt, the
2 Board eemmission shall (i) dismiss the complaint or (ii)
3 issue a preliminary recommendation to the alleged violator
4 and to the violator's ultimate jurisdictional authority or
5 impose a fine upon the violator, or both. The particular
6 findings in the instant case, the preliminary recommendation,
7 and any fine shall be made public.

8 (f) Within 7 business days after the issuance of the
9 preliminary recommendation or imposition of a fine, or both,
10 the respondent may file a written demand for a public hearing
11 on the complaint. The filing of the demand shall stay the
12 enforcement of the preliminary recommendation or fine.
13 Within 2 weeks after receiving the demand, the Board
14 eemmission shall conduct a public hearing on the complaint
15 after at least 24 hours' public notice of the hearing and
16 allow both parties the opportunity to present testimony and
17 evidence. Within 5 business days, the Board eemmission shall
18 publicly issue a final recommendation to the alleged violator
19 and to the violator's ultimate jurisdictional authority or
20 impose a fine upon the violator, or both.

21 (g) If a complaint is filed during the 60 days preceding
22 the date of any election at which the respondent is a
23 candidate, the Board eemmission shall render its decision as
24 required under subsection (e) within 7 days after the
25 complaint is filed, and during the 7 days preceding that
26 election, the Board eemmission shall render such decision
27 before the date of that election, if possible.

28 (h) The Board A--eemmission may levy a fine of up to
29 \$5,000 against any person who knowingly files a frivolous
30 complaint alleging a violation of this Act.

31 (i) A complaint alleging the violation of this Act must
32 be filed within one year after the alleged violation.

33 (Source: P.A. 90-737, eff. 1-1-99.)

1 (5 ILCS 425/65)

2 Sec. 65. Enforcement.

3 (a) The Board A--emmission may recommend to a person's
4 ultimate jurisdictional authority disciplinary action against
5 the person it determines to be in violation of this Act. The
6 recommendation may prescribe the following courses of action:

7 (1) A reprimand.

8 (2) To cease and desist the offensive action.

9 (3) A return or refund of money or other items, or
10 an amount of restitution for services, received in
11 violation of this Act.

12 (4) Dismissal, removal from office, impeachment, or
13 expulsion.

14 (5) Donation to a charity of an amount equal to the
15 gift.

16 (b) The Board A--emmission may impose a fine of up to
17 \$1,000 per violation to be deposited into the General Revenue
18 Fund.

19 (c) The ultimate jurisdictional authority of a person
20 who violates an ethics provision may take disciplinary action
21 against the person as recommended by the Board a--emmission
22 or as it deems appropriate, to the extent it is
23 constitutionally permissible for the ultimate jurisdictional
24 authority to take that action. The ultimate jurisdictional
25 authority shall make its action, or determination to take no
26 action, available to the public.

27 (d) If after a hearing the Board emmission finds no
28 violation of this Act, the Board emmission shall dismiss the
29 complaint.

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (5 ILCS 425/70)

32 Sec. 70. Penalty. An individual who knowingly violates
33 this Act is guilty of a business offense and subject to a

1 fine of up to \$5,000.

2 (Source: P.A. 90-737, eff. 1-1-99.)

3 (5 ILCS 425/75)

4 Sec. 75. Review. The Board's A-commission's decision to
5 dismiss a complaint or its recommendation is not a final
6 administrative decision, but its imposition of a fine is a
7 final administrative decision subject to judicial review
8 under the Administrative Review Law of the Code of Civil
9 Procedure.

10 (Source: P.A. 90-737, eff. 1-1-99.)

11 (5 ILCS 425/80)

12 Sec. 80. Exemption. (Blank). The-proceedings--conducted
13 and--documents--generated--under-this-Act-are-exempt-from-the
14 provisions-of-the--Open--Meetings--Act--and--the--Freedom--of
15 Information-Act.

16 (Source: P.A. 90-737, eff. 1-1-99.)

17 (5 ILCS 425/83)

18 Sec. 83. Units of local government; school districts.
19 (Blank). Within-6-months-after-the--effective--date--of--this
20 Act,-units-of-local-government,-home-rule-units,-and-school
21 districts-shall-prohibit-the-solicitation-and--acceptance--of
22 gifts,-and--shall--enforce--those--prohibitions,-in-a-manner
23 substantially-in-accordance-with-the-requirements-of-this-Act
24 and-shall-adopt--provisions--no--less--restrictive--than--the
25 provisions--of--this--Act.-Non-salaried-appointed-or-elected
26 officials-may-be-exempted.

27 (Source: P.A. 90-737, eff. 1-1-99.)

28 (5 ILCS 425/85)

29 Sec. 85. Home rule preemption. (Blank). A--home--rule
30 unit--may--not--regulate-the-prohibition-of-gifts-to-members,

1 officers, employees, or judges or the enforcement of these
 2 provisions in a manner inconsistent with this Act. This
 3 Section is a limitation under subsection (i) of Section 6 of
 4 Article VII of the Illinois Constitution on the concurrent
 5 exercise by home rule units of powers and functions exercised
 6 by the State.

7 (Source: P.A. 90-737, eff. 1-1-99.)

8 (5 ILCS 425/95)

9 Sec. 95. Effect on Executive Order or similar rule.
 10 This Act supersedes the ethics reforms provided for in (i)
 11 Part I (Ban On Gifts To State Employees From Prohibited
 12 Sources) contained in Executive Order No. 2 (1997) and (ii)
 13 any other executive, administrative, or similar order,
 14 policy, or rule promulgated by an officer, member, judge,
 15 employee, or governmental entity that conflicts with or is
 16 less restrictive than this Act.

17 (Source: P.A. 90-737, eff. 1-1-99.)

18 Section 10. The Open Meetings Act is amended by
 19 re-enacting and changing Section 1.02 as follows:

20 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

21 Sec. 1.02. For the purposes of this Act:

22 "Meeting" means any gathering of a majority of a quorum
 23 of the members of a public body held for the purpose of
 24 discussing public business.

25 "Public body" includes all legislative, executive,
 26 administrative or advisory bodies of the State, counties,
 27 townships, cities, villages, incorporated towns, school
 28 districts and all other municipal corporations, boards,
 29 bureaus, committees or commissions of this State, and any
 30 subsidiary bodies of any of the foregoing including but not
 31 limited to committees and subcommittees which are supported

1 in whole or in part by tax revenue, or which expend tax
 2 revenue, except the General Assembly and committees or
 3 commissions thereof. "Public body" includes tourism boards
 4 and convention or civic center boards located in counties
 5 that are contiguous to the Mississippi River with populations
 6 of more than 250,000 but less than 300,000. "Public body"
 7 includes the Health Facilities Planning Board. "Public body"
 8 does not include a child death review team established under
 9 the Child Death Review Team Act ~~or an ethics commission,~~
 10 ~~ethics officer, or ultimate jurisdictional authority acting~~
 11 ~~under the State Gift Ban Act as provided by Section 80 of~~
 12 ~~that Act.~~

13 (Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99;
 14 91-782, eff. 6-9-00.)

15 Section 15. The Freedom of Information Act is amended by
 16 re-enacting and changing Section 7 as follows:

17 (5 ILCS 140/7) (from Ch. 116, par. 207)

18 Sec. 7. Exemptions.

19 (1) The following shall be exempt from inspection and
 20 copying:

21 (a) Information specifically prohibited from
 22 disclosure by federal or State law or rules and
 23 regulations adopted under federal or State law.

24 (b) Information that, if disclosed, would
 25 constitute a clearly unwarranted invasion of personal
 26 privacy, unless the disclosure is consented to in writing
 27 by the individual subjects of the information. The
 28 disclosure of information that bears on the public duties
 29 of public employees and officials shall not be considered
 30 an invasion of personal privacy. Information exempted
 31 under this subsection (b) shall include but is not
 32 limited to:

1 (i) files and personal information maintained
2 with respect to clients, patients, residents,
3 students or other individuals receiving social,
4 medical, educational, vocational, financial,
5 supervisory or custodial care or services directly
6 or indirectly from federal agencies or public
7 bodies;

8 (ii) personnel files and personal information
9 maintained with respect to employees, appointees or
10 elected officials of any public body or applicants
11 for those positions;

12 (iii) files and personal information
13 maintained with respect to any applicant, registrant
14 or licensee by any public body cooperating with or
15 engaged in professional or occupational
16 registration, licensure or discipline;

17 (iv) information required of any taxpayer in
18 connection with the assessment or collection of any
19 tax unless disclosure is otherwise required by State
20 statute; and

21 (v) information revealing the identity of
22 persons who file complaints with or provide
23 information to administrative, investigative, law
24 enforcement or penal agencies; provided, however,
25 that identification of witnesses to traffic
26 accidents, traffic accident reports, and rescue
27 reports may be provided by agencies of local
28 government, except in a case for which a criminal
29 investigation is ongoing, without constituting a
30 clearly unwarranted per se invasion of personal
31 privacy under this subsection.

32 (c) Records compiled by any public body for
33 administrative enforcement proceedings and any law
34 enforcement or correctional agency for law enforcement

1 purposes or for internal matters of a public body, but
2 only to the extent that disclosure would:

3 (i) interfere with pending or actually and
4 reasonably contemplated law enforcement proceedings
5 conducted by any law enforcement or correctional
6 agency;

7 (ii) interfere with pending administrative
8 enforcement proceedings conducted by any public
9 body;

10 (iii) deprive a person of a fair trial or an
11 impartial hearing;

12 (iv) unavoidably disclose the identity of a
13 confidential source or confidential information
14 furnished only by the confidential source;

15 (v) disclose unique or specialized
16 investigative techniques other than those generally
17 used and known or disclose internal documents of
18 correctional agencies related to detection,
19 observation or investigation of incidents of crime
20 or misconduct;

21 (vi) constitute an invasion of personal
22 privacy under subsection (b) of this Section;

23 (vii) endanger the life or physical safety of
24 law enforcement personnel or any other person; or

25 (viii) obstruct an ongoing criminal
26 investigation.

27 (d) Criminal history record information maintained
28 by State or local criminal justice agencies, except the
29 following which shall be open for public inspection and
30 copying:

31 (i) chronologically maintained arrest
32 information, such as traditional arrest logs or
33 blotters;

34 (ii) the name of a person in the custody of a

1 law enforcement agency and the charges for which
2 that person is being held;

3 (iii) court records that are public;

4 (iv) records that are otherwise available
5 under State or local law; or

6 (v) records in which the requesting party is
7 the individual identified, except as provided under
8 part (vii) of paragraph (c) of subsection (1) of
9 this Section.

10 "Criminal history record information" means data
11 identifiable to an individual and consisting of
12 descriptions or notations of arrests, detentions,
13 indictments, informations, pre-trial proceedings, trials,
14 or other formal events in the criminal justice system or
15 descriptions or notations of criminal charges (including
16 criminal violations of local municipal ordinances) and
17 the nature of any disposition arising therefrom,
18 including sentencing, court or correctional supervision,
19 rehabilitation and release. The term does not apply to
20 statistical records and reports in which individuals are
21 not identified and from which their identities are not
22 ascertainable, or to information that is for criminal
23 investigative or intelligence purposes.

24 (e) Records that relate to or affect the security
25 of correctional institutions and detention facilities.

26 (f) Preliminary drafts, notes, recommendations,
27 memoranda and other records in which opinions are
28 expressed, or policies or actions are formulated, except
29 that a specific record or relevant portion of a record
30 shall not be exempt when the record is publicly cited and
31 identified by the head of the public body. The exemption
32 provided in this paragraph (f) extends to all those
33 records of officers and agencies of the General Assembly
34 that pertain to the preparation of legislative documents.

1 (g) Trade secrets and commercial or financial
2 information obtained from a person or business where the
3 trade secrets or information are proprietary, privileged
4 or confidential, or where disclosure of the trade secrets
5 or information may cause competitive harm, including all
6 information determined to be confidential under Section
7 4002 of the Technology Advancement and Development Act.
8 Nothing contained in this paragraph (g) shall be
9 construed to prevent a person or business from consenting
10 to disclosure.

11 (h) Proposals and bids for any contract, grant, or
12 agreement, including information which if it were
13 disclosed would frustrate procurement or give an
14 advantage to any person proposing to enter into a
15 contractor agreement with the body, until an award or
16 final selection is made. Information prepared by or for
17 the body in preparation of a bid solicitation shall be
18 exempt until an award or final selection is made.

19 (i) Valuable formulae, designs, drawings and
20 research data obtained or produced by any public body
21 when disclosure could reasonably be expected to produce
22 private gain or public loss.

23 (j) Test questions, scoring keys and other
24 examination data used to administer an academic
25 examination or determined the qualifications of an
26 applicant for a license or employment.

27 (k) Architects' plans and engineers' technical
28 submissions for projects not constructed or developed in
29 whole or in part with public funds and for projects
30 constructed or developed with public funds, to the extent
31 that disclosure would compromise security.

32 (l) Library circulation and order records
33 identifying library users with specific materials.

34 (m) Minutes of meetings of public bodies closed to

1 the public as provided in the Open Meetings Act until the
2 public body makes the minutes available to the public
3 under Section 2.06 of the Open Meetings Act.

4 (n) Communications between a public body and an
5 attorney or auditor representing the public body that
6 would not be subject to discovery in litigation, and
7 materials prepared or compiled by or for a public body in
8 anticipation of a criminal, civil or administrative
9 proceeding upon the request of an attorney advising the
10 public body, and materials prepared or compiled with
11 respect to internal audits of public bodies.

12 (o) Information received by a primary or secondary
13 school, college or university under its procedures for
14 the evaluation of faculty members by their academic
15 peers.

16 (p) Administrative or technical information
17 associated with automated data processing operations,
18 including but not limited to software, operating
19 protocols, computer program abstracts, file layouts,
20 source listings, object modules, load modules, user
21 guides, documentation pertaining to all logical and
22 physical design of computerized systems, employee
23 manuals, and any other information that, if disclosed,
24 would jeopardize the security of the system or its data
25 or the security of materials exempt under this Section.

26 (q) Documents or materials relating to collective
27 negotiating matters between public bodies and their
28 employees or representatives, except that any final
29 contract or agreement shall be subject to inspection and
30 copying.

31 (r) Drafts, notes, recommendations and memoranda
32 pertaining to the financing and marketing transactions of
33 the public body. The records of ownership, registration,
34 transfer, and exchange of municipal debt obligations, and

1 of persons to whom payment with respect to these
2 obligations is made.

3 (s) The records, documents and information relating
4 to real estate purchase negotiations until those
5 negotiations have been completed or otherwise terminated.
6 With regard to a parcel involved in a pending or actually
7 and reasonably contemplated eminent domain proceeding
8 under Article VII of the Code of Civil Procedure,
9 records, documents and information relating to that
10 parcel shall be exempt except as may be allowed under
11 discovery rules adopted by the Illinois Supreme Court.
12 The records, documents and information relating to a real
13 estate sale shall be exempt until a sale is consummated.

14 (t) Any and all proprietary information and records
15 related to the operation of an intergovernmental risk
16 management association or self-insurance pool or jointly
17 self-administered health and accident cooperative or
18 pool.

19 (u) Information concerning a university's
20 adjudication of student or employee grievance or
21 disciplinary cases, to the extent that disclosure would
22 reveal the identity of the student or employee and
23 information concerning any public body's adjudication of
24 student or employee grievances or disciplinary cases,
25 except for the final outcome of the cases.

26 (v) Course materials or research materials used by
27 faculty members.

28 (w) Information related solely to the internal
29 personnel rules and practices of a public body.

30 (x) Information contained in or related to
31 examination, operating, or condition reports prepared by,
32 on behalf of, or for the use of a public body responsible
33 for the regulation or supervision of financial
34 institutions or insurance companies, unless disclosure is

1 otherwise required by State law.

2 (y) Information the disclosure of which is
3 restricted under Section 5-108 of the Public Utilities
4 Act.

5 (z) Manuals or instruction to staff that relate to
6 establishment or collection of liability for any State
7 tax or that relate to investigations by a public body to
8 determine violation of any criminal law.

9 (aa) Applications, related documents, and medical
10 records received by the Experimental Organ
11 Transplantation Procedures Board and any and all
12 documents or other records prepared by the Experimental
13 Organ Transplantation Procedures Board or its staff
14 relating to applications it has received.

15 (bb) Insurance or self insurance (including any
16 intergovernmental risk management association or self
17 insurance pool) claims, loss or risk management
18 information, records, data, advice or communications.

19 (cc) Information and records held by the Department
20 of Public Health and its authorized representatives
21 relating to known or suspected cases of sexually
22 transmissible disease or any information the disclosure
23 of which is restricted under the Illinois Sexually
24 Transmissible Disease Control Act.

25 (dd) Information the disclosure of which is
26 exempted under Section 30 of the Radon Industry Licensing
27 Act.

28 (ee) Firm performance evaluations under Section 55
29 of the Architectural, Engineering, and Land Surveying
30 Qualifications Based Selection Act.

31 (ff) Security portions of system safety program
32 plans, investigation reports, surveys, schedules, lists,
33 data, or information compiled, collected, or prepared by
34 or for the Regional Transportation Authority under

1 Section 2.11 of the Regional Transportation Authority Act
2 or the State of Missouri under the Bi-State Transit
3 Safety Act.

4 (gg) Information the disclosure of which is
5 restricted and exempted under Section 50 of the Illinois
6 Prepaid Tuition Act.

7 (hh) (Blank). ~~Information-the-disclosure--of--which~~
8 ~~is-exempted-under-Section-80-of-the-State-Gift-Ban-Act.~~

9 (ii) Beginning July 1, 1999, information that would
10 disclose or might lead to the disclosure of secret or
11 confidential information, codes, algorithms, programs, or
12 private keys intended to be used to create electronic or
13 digital signatures under the Electronic Commerce Security
14 Act.

15 (jj) Information contained in a local emergency
16 energy plan submitted to a municipality in accordance
17 with a local emergency energy plan ordinance that is
18 adopted under Section 11-21.5-5 of the Illinois Municipal
19 Code.

20 (kk) ~~(jjj)~~ Information and data concerning the
21 distribution of surcharge moneys collected and remitted
22 by wireless carriers under the Wireless Emergency
23 Telephone Safety Act.

24 (2) This Section does not authorize withholding of
25 information or limit the availability of records to the
26 public, except as stated in this Section or otherwise
27 provided in this Act.

28 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;
29 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
30 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
31 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

32 (5 ILCS 420/3-101 rep.)

33 Section 20. The Illinois Governmental Ethics Act is

1 amended by repealing Section 3-101.

2 Section 25. The Election Code is amended by re-enacting
3 Sections 9-1.7, 9-1.8, 9-1.9, 9-1.12, 9-3, 9-6, 9-7.5,
4 9-8.10, 9-8.15, 9-9.5, 9-10, 9-11, 9-12, 9-13, 9-14, 9-26,
5 9-27.5, and 9-28, by re-enacting and changing Section 9-23,
6 and by adding Sections 9-8.5, 9-8.6, and 9-8.7 as follows:

7 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

8 Sec. 9-1.7. "Local political committee" means the
9 candidate himself or any individual, trust, partnership,
10 committee, association, corporation, or other organization or
11 group of persons which:

12 (a) accepts contributions or grants or makes
13 expenditures during any 12-month period in an aggregate
14 amount exceeding \$3,000 on behalf of or in opposition to
15 a candidate or candidates for public office who are
16 required by the Illinois Governmental Ethics Act to file
17 statements of economic interests with the county clerk,
18 or on behalf of or in opposition to a candidate or
19 candidates for election to the office of ward or township
20 committeeman in counties of 3,000,000 or more population;

21 (b) accepts contributions or makes expenditures
22 during any 12-month period in an aggregate amount
23 exceeding \$3,000 in support of or in opposition to any
24 question of public policy to be submitted to the electors
25 of an area encompassing no more than one county; or

26 (c) accepts contributions or makes expenditures
27 during any 12-month period in an aggregate amount
28 exceeding \$3,000 and has as its primary purpose the
29 furtherance of governmental, political or social values,
30 is organized on a not-for-profit basis, and which
31 publicly endorses or publicly opposes a candidate or
32 candidates for public office who are required by the

1 Illinois Governmental Ethics Act to file statements of
2 economic interest with the County Clerk or a candidate or
3 candidates for the office of ward or township
4 committeeman in counties of 3,000,000 or more population.
5 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

6 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

7 Sec. 9-1.8. "State political committee" means the
8 candidate himself or any individual, trust, partnership,
9 committee, association, corporation, or any other
10 organization or group of persons which--

11 (a) accepts contributions or grants or makes
12 expenditures during any 12-month period in an aggregate
13 amount exceeding \$3,000 on behalf of or in opposition to a
14 candidate or candidates for public office who are required by
15 the Illinois Governmental Ethics Act to file statements of
16 economic interests with the Secretary of State,

17 (b) accepts contributions or makes expenditures during
18 any 12-month period in an aggregate amount exceeding \$3,000
19 in support of or in opposition to any question of public
20 policy to be submitted to the electors of an area
21 encompassing more than one county, or

22 (c) accepts contributions or makes expenditures during
23 any 12-month period in an aggregate amount exceeding \$3,000
24 and has as its primary purpose the furtherance of
25 governmental, political or social values, is organized on a
26 not-for-profit basis, and which publicly endorses or publicly
27 opposes a candidate or candidates for public office who are
28 required by the Illinois Governmental Ethics Act to file
29 statements of economic interest with the Secretary of State.

30 (Source: P.A. 90-737, eff. 1-1-99.)

31 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

32 Sec. 9-1.9. "Political committee" includes State central

1 and county central committees of any political party, and
2 also includes local political committees and state political
3 committees, but does not include any candidate who does not
4 accept contributions or make expenditures during any 12-month
5 period in an aggregate amount exceeding \$3,000, nor does it
6 include, with the exception of State central and county
7 central committees of any political party, any individual,
8 trust, partnership, committee, association, corporation, or
9 any other organization or group of persons which does not
10 accept contributions or make expenditures during any 12-month
11 period in an aggregate amount exceeding \$3,000 on behalf of
12 or in opposition to a candidate or candidates or to any
13 question of public policy, and such candidates and persons
14 shall not be required to comply with any filing provisions in
15 this Article.

16 (Source: P.A. 90-737, eff. 1-1-99.)

17 (10 ILCS 5/9-1.12) (from Ch. 46, par. 9-1.12)

18 Sec. 9-1.12. Anything of value includes all things,
19 services, or goods, regardless of whether they may be valued
20 in monetary terms according to ascertainable market value.
21 Anything of value which does not have an ascertainable market
22 value must be reported by describing the thing, services, or
23 goods contributed and by using the contributor's certified
24 market value required under Section 9-6.

25 (Source: P.A. 90-737, eff. 1-1-99.)

26 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

27 Sec. 9-3. Every state political committee and every
28 local political committee shall file with the State Board of
29 Elections, and every local political committee shall file
30 with the county clerk, a statement of organization within 10
31 business days of the creation of such committee, except any
32 political committee created within the 30 days before an

1 election shall file a statement of organization within 5
2 business days. A political committee that acts as both a
3 state political committee and a local political committee
4 shall file a copy of each statement of organization with the
5 State Board of Elections and the county clerk.

6 The statement of organization shall include -

7 (a) the name and address of the political committee (the
8 name of the political committee must include the name of any
9 sponsoring entity);

10 (b) the scope, area of activity, party affiliation,
11 candidate affiliation and his county of residence, and
12 purposes of the political committee;

13 (c) the name, address, and position of each custodian of
14 the committee's books and accounts;

15 (d) the name, address, and position of the committee's
16 principal officers, including the chairman, treasurer, and
17 officers and members of its finance committee, if any;

18 (e) (Blank);

19 (f) a statement of what specific disposition of residual
20 fund will be made in the event of the dissolution or
21 termination of the committee;

22 (g) a listing of all banks or other financial
23 institutions, safety deposit boxes, and any other
24 repositories or custodians of funds used by the committee;

25 (h) the amount of funds available for campaign
26 expenditures as of the filing date of the committee's
27 statement of organization.

28 For purposes of this Section, a "sponsoring entity" is

29 (i) any person, political committee, organization,
30 corporation, or association that contributes at least 33% of
31 the total funding of the political committee or (ii) any
32 person or other entity that is registered or is required to
33 register under the Lobbyist Registration Act and contributes
34 at least 33% of the total funding of the political committee.

1 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

2 (10 ILCS 5/9-6) (from Ch. 46, par. 9-6)

3 Sec. 9-6. Accounting for contributions.

4 (a) Every person who receives a contribution in excess
5 of \$20 for a political committee shall, on demand of the
6 treasurer, and in any event within 5 days after receipt of
7 such contribution, render to the treasurer a detailed account
8 thereof, including the amount, the name and address of the
9 person making such contribution, and the date on which it was
10 received.

11 (b) Within 5 business days of contributing goods or
12 services of more than \$50 value to a political committee, the
13 contributor shall certify the value of the contribution to
14 the political committee on forms prescribed by the State
15 Board of Elections. The forms shall include the name and
16 address of the contributor, a description and market value of
17 the goods or services, and the date on which the contribution
18 was made.

19 (c) All funds of a political committee shall be
20 segregated from, and may not be commingled with, any personal
21 funds of officers, members, or associates of such committee.

22 (Source: P.A. 90-737, eff. 1-1-99.)

23 (10 ILCS 5/9-7.5)

24 Sec. 9-7.5. Nonprofit organization registration and
25 disclosure.

26 (a) Each nonprofit organization, except for a labor
27 union (i) registered under the Lobbyist Registration Act or
28 for which lobbying is undertaken by persons registered under
29 that Act, (ii) that has not established a political
30 committee, and (iii) that accepts contributions or makes
31 expenditures during any 12-month period in an aggregate
32 amount exceeding \$5,000 (I) on behalf of or in opposition to

1 public officials, candidates for public office, or a question
2 of public policy and (II) for the purpose of influencing
3 legislative, executive, or administrative action as defined
4 in the Lobbyist Registration Act shall register with the
5 State Board of Elections. The Board by rule shall prescribe
6 the registration procedure and form. The registration form
7 shall require the following information:

8 (1) The registrant's name, address, and purpose.

9 (2) The name, address, and position of each
10 custodian of the registrant's financial books, accounts,
11 and records.

12 (3) The name, address, and position of each of the
13 registrant's principal officers.

14 (b) Each nonprofit organization required to register
15 under subsection (a) shall file contribution and expenditure
16 reports with the Board. The Board by rule shall prescribe
17 the form, which shall require the following information:

18 (1) The organization's name, address, and purpose.

19 (2) The amount of funds on hand at the beginning of
20 the reporting period.

21 (3) The full name and address of each person who
22 has made one or more contributions to or for the
23 organization within the reporting period in an aggregate
24 amount or value in excess of \$150, together with the
25 amount and date of the contributions, and if a
26 contributor is an individual who contributed more than
27 \$500, the occupation and employer of the contributor or,
28 if the occupation and employer of the contributor are
29 unknown, a statement that the organization has made a
30 good faith effort to ascertain this information.

31 (4) The total sum of individual contributions made
32 to or for the organization during the reporting period
33 and not reported in item (3).

34 (5) The name and address of each organization and

1 political committee from which the reporting organization
2 received, or to which that organization made, any
3 transfer of funds in an aggregate amount or value in
4 excess of \$150, together with the amounts and dates of
5 the transfers.

6 (6) The total sum of transfers made to or from the
7 organization during the reporting period and not reported
8 in item (5).

9 (7) Each loan to or from any person within the
10 reporting period by or to the organization in an
11 aggregate amount or value in excess of \$150, together
12 with the full names and mailing addresses of the lender
13 and endorsers, if any, and the date and amount of the
14 loans, and if a lender or endorser is an individual who
15 loaned or endorsed a loan of more than \$500, the
16 occupation and employer of the individual or, if the
17 occupation and employer of the individual are unknown, a
18 statement that the organization has made a good faith
19 effort to ascertain this information.

20 (8) The total amount of proceeds received by the
21 organization from (i) the sale of tickets for each
22 dinner, luncheon, cocktail party, rally, and other
23 fundraising event, (ii) mass collections made at those
24 events, and (iii) sales of items such as buttons, badges,
25 flags, emblems, hats, banners, literature, and similar
26 materials.

27 (9) Each contribution, rebate, refund, or other
28 receipt in excess of \$150 received by the organization
29 not otherwise listed under items (3) through (8), and if
30 a contributor is an individual who contributed more than
31 \$500, the occupation and employer of the contributor or,
32 if the occupation and employer of the contributor are
33 unknown, a statement that the organization has made a
34 good faith effort to ascertain this information.

1 (10) The total sum of all receipts by or for the
2 organization during the reporting period.

3 (11) The full name and mailing address of each
4 person to whom expenditures have been made by the
5 organization within the reporting period in an aggregate
6 amount or value in excess of \$150, the amount, date, and
7 purpose of each expenditure, and the question of public
8 policy on behalf of which the expenditure was made.

9 (12) The full name and mailing address of each
10 person to whom an expenditure for personal services,
11 salaries, and reimbursed expenses in excess of \$150 has
12 been made and which is not otherwise reported, including
13 the amount, date, and purpose of the expenditure.

14 (13) The total sum of expenditures made by the
15 organization during the reporting period.

16 (14) The full name and mailing address of each
17 person to whom the organization owes debts or obligations
18 in excess of \$150 and the amount of the debts or
19 obligations.

20 The State Board by rule shall define a "good faith
21 effort".

22 (c) The reports required under subsection (b) shall be
23 filed at the same times and for the same reporting periods as
24 reports of campaign contributions and semi-annual reports of
25 campaign contributions and expenditures required by this
26 Article of political committees. The reports required under
27 subsection (b) shall be available for public inspection and
28 copying in the same manner as reports filed by political
29 committees. The Board may charge a fee that covers the costs
30 of copying and distribution, if any.

31 (d) An organization required to file reports under
32 subsection (b) shall include a statement on all literature
33 and advertisements soliciting funds stating the following:

34 "A copy of our report filed with the State Board of

1 Elections is (or will be) available for purchase from the
2 State Board of Elections, Springfield, Illinois".
3 (Source: P.A. 90-737, eff. 1-1-99.)

4 (10 ILCS 5/9-8.5 new)

5 Sec. 9-8.5. Prohibited solicitations by certain State
6 officials, employees, and appointees. An executive branch
7 constitutional officer, his or her employees, or a candidate
8 in a general primary election or general election for that
9 constitutional office may not knowingly solicit contributions
10 from that constitutional officer's employees, regardless of
11 the time, place, or manner of solicitation.

12 For the purpose of this Section: executive branch
13 constitutional officer means the Governor, Lieutenant
14 Governor, Secretary of State, Attorney General, State
15 Treasurer, and State Comptroller; and employee means a
16 full-time or part-time salaried employee or a salaried
17 appointee of any office, board, commission, agency,
18 department, authority, administrative unit, or corporate
19 outgrowth under the jurisdiction of the applicable officer or
20 entity.

21 Violation of this Section constitutes grounds for
22 disciplinary action, including discharge, against the
23 offending officer or employee to the extent permissible under
24 the Illinois Constitution. In the case of an executive
25 branch constitutional officer, violation of this Section may
26 constitute grounds for his or her impeachment.

27 Nothing in this Section prevents the making or accepting
28 of voluntary contributions otherwise in accordance with law.

29 (10 ILCS 5/9-8.6 new)

30 Sec. 9-8.6 Regulated industry solicitations prohibited.
31 It is unlawful for an employee of an executive branch
32 constitutional officer who works for a regulatory office to

1 knowingly solicit a contribution from an entity, its officers
2 or employees, or a person that is directly regulated by the
3 regulatory office employing that employee. For purposes of
4 this Section, an entity or person is directly regulated by an
5 office when the entity's or person's charges for services
6 offered to the public are set or directly subject to approval
7 by the regulatory office or when a license to do business in
8 the State is determined by the regulatory office.

9 For the purpose of this Section: executive branch
10 constitutional officer means the Governor, Lieutenant
11 Governor, Secretary of State, Attorney General, State
12 Treasurer, and State Comptroller; and employee means a
13 full-time or part-time salaried employee or a salaried
14 appointee of any office, board, commission, agency,
15 department, authority, administrative unit, or corporate
16 outgrowth under the jurisdiction of the applicable officer or
17 entity.

18 Violation of this Section constitutes grounds for
19 disciplinary action, including discharge, against the
20 offending employee to the extent permissible under the
21 Illinois Constitution.

22 Nothing in this Section prevents the making or accepting
23 of voluntary contributions otherwise in accordance with law.

24 (10 ILCS 5/9-8.7 new)

25 Sec. 9-8.7. Prohibited offer or promise. An executive
26 branch constitutional officer, an employee of an executive
27 branch constitutional officer, or a candidate in a general
28 primary election or general election for an executive branch
29 constitutional office may not promise anything of value,
30 including but not limited to positions in State government,
31 promotions, salary increases, or preferential treatment of
32 any type, in return for a contribution to a political
33 committee, political party, or other entity that has as one

1 of its purposes the financial support of a candidate for
2 elective office.

3 For the purpose of this Section: executive branch
4 constitutional officer means the Governor, Lieutenant
5 Governor, Secretary of State, Attorney General, State
6 Treasurer, and State Comptroller; and employee means a
7 full-time or part-time salaried employee or a salaried
8 appointee of any office, board, commission, agency,
9 department, authority, administrative unit, or corporate
10 outgrowth under the jurisdiction of the applicable officer or
11 entity.

12 Violation of this Section constitutes grounds for
13 disciplinary action, including discharge, against the
14 offending officer or employee to the extent permissible under
15 the Illinois Constitution. In the case of an executive
16 branch constitutional officer, violation of this Section may
17 constitute grounds for his or her impeachment.

18 Nothing in this Section prevents the making or accepting
19 of voluntary contributions otherwise in accordance with law.

20 (10 ILCS 5/9-8.10)

21 Sec. 9-8.10. Use of political committee and other
22 reporting organization funds.

23 (a) A political committee, or organization subject to
24 Section 9-7.5, shall not make expenditures:

25 (1) In violation of any law of the United States or
26 of this State.

27 (2) Clearly in excess of the fair market value of
28 the services, materials, facilities, or other things of
29 value received in exchange.

30 (3) For satisfaction or repayment of any debts
31 other than loans made to the committee or to the public
32 official or candidate on behalf of the committee or
33 repayment of goods and services purchased by the

1 committee under a credit agreement. Nothing in this
2 Section authorizes the use of campaign funds to repay
3 personal loans. The repayments shall be made by check
4 written to the person who made the loan or credit
5 agreement. The terms and conditions of any loan or
6 credit agreement to a committee shall be set forth in a
7 written agreement, including but not limited to the
8 method and amount of repayment, that shall be executed by
9 the chairman or treasurer of the committee at the time of
10 the loan or credit agreement. The loan or agreement
11 shall also set forth the rate of interest for the loan,
12 if any, which may not substantially exceed the prevailing
13 market interest rate at the time the agreement is
14 executed.

15 (4) For the satisfaction or repayment of any debts
16 or for the payment of any expenses relating to a personal
17 residence. Campaign funds may not be used as collateral
18 for home mortgages.

19 (5) For clothing or personal laundry expenses,
20 except clothing items rented by the public official or
21 candidate for his or her own use exclusively for a
22 specific campaign-related event, provided that committees
23 may purchase costumes, novelty items, or other
24 accessories worn primarily to advertise the candidacy.

25 (6) For the travel expenses of any person unless
26 the travel is necessary for fulfillment of political,
27 governmental, or public policy duties, activities, or
28 purposes.

29 (7) For membership or club dues charged by
30 organizations, clubs, or facilities that are primarily
31 engaged in providing health, exercise, or recreational
32 services; provided, however, that funds received under
33 this Article may be used to rent the clubs or facilities
34 for a specific campaign-related event.

1 (8) In payment for anything of value or for
2 reimbursement of any expenditure for which any person has
3 been reimbursed by the State or any person. For purposes
4 of this item (8), a per diem allowance is not a
5 reimbursement.

6 (9) For the purchase of or installment payment for
7 a motor vehicle unless the political committee can
8 demonstrate that purchase of a motor vehicle is more
9 cost-effective than leasing a motor vehicle as permitted
10 under this item (9). A political committee may lease or
11 purchase and insure, maintain, and repair a motor vehicle
12 if the vehicle will be used primarily for campaign
13 purposes or for the performance of governmental duties.
14 A committee shall not make expenditures for use of the
15 vehicle for non-campaign or non-governmental purposes.
16 Persons using vehicles not purchased or leased by a
17 political committee may be reimbursed for actual mileage
18 for the use of the vehicle for campaign purposes or for
19 the performance of governmental duties. The mileage
20 reimbursements shall be made at a rate not to exceed the
21 standard mileage rate method for computation of business
22 expenses under the Internal Revenue Code.

23 (10) Directly for an individual's tuition or other
24 educational expenses, except for governmental or
25 political purposes directly related to a candidate's or
26 public official's duties and responsibilities.

27 (11) For payments to a public official or candidate
28 or his or her family member unless for compensation for
29 services actually rendered by that person. The provisions
30 of this item (11) do not apply to expenditures by a
31 political committee in an aggregate amount not exceeding
32 the amount of funds reported to and certified by the
33 State Board or county clerk as available as of June 30,
34 1998, in the semi-annual report of contributions and

1 expenditures filed by the political committee for the
2 period concluding June 30, 1998.

3 (b) The Board shall have the authority to investigate,
4 upon receipt of a verified complaint, violations of the
5 provisions of this Section. The Board may levy a fine on any
6 person who knowingly makes expenditures in violation of this
7 Section and on any person who knowingly makes a malicious and
8 false accusation of a violation of this Section. The Board
9 may act under this subsection only upon the affirmative vote
10 of at least 5 of its members. The fine shall not exceed \$500
11 for each expenditure of \$500 or less and shall not exceed the
12 amount of the expenditure plus \$500 for each expenditure
13 greater than \$500. The Board shall also have the authority
14 to render rulings and issue opinions relating to compliance
15 with this Section.

16 (Source: P.A. 90-737, eff. 1-1-99.)

17 (10 ILCS 5/9-8.15)

18 Sec. 9-8.15. Contributions on State property.
19 Contributions shall not be knowingly offered or accepted on a
20 face-to-face basis by public officials or employees or by
21 candidates on State property except as provided in this
22 Section.

23 Contributions may be solicited, offered, or accepted on
24 State property on a face-to-face basis by public officials or
25 employees or by candidates at a fundraising event for which
26 the State property is leased or rented.

27 Anyone who knowingly offers or accepts contributions on
28 State property in violation of this Section is guilty of a
29 business offense subject to a fine of \$5,000, except that for
30 contributions offered or accepted for State officers and
31 candidates and political committees formed for statewide
32 office, the fine shall not exceed \$10,000. For the purpose
33 of this Section, "statewide office" and "State officer" means

1 the Governor, Lieutenant Governor, Attorney General,
2 Secretary of State, Comptroller, and Treasurer.

3 (Source: P.A. 90-737, eff. 1-1-99.)

4 (10 ILCS 5/9-9.5)

5 Sec. 9-9.5. Disclosure on political literature. Any
6 pamphlet, circular, handbill, advertisement, or other
7 political literature that supports or opposes any public
8 official, candidate for public office, or question of public
9 policy, or that would have the effect of supporting or
10 opposing any public official, candidate for public office, or
11 question of public policy, shall contain the name of the
12 individual or organization that authorized, caused to be
13 authorized, paid for, caused to be paid for, or distributed
14 the pamphlet, circular, handbill, advertisement, or other
15 political literature. If the individual or organization
16 includes an address, it must be an actual personal or
17 business address of the individual or business address of the
18 organization.

19 This Section does not apply to items, the size of which
20 is not sufficient to contain the required disclosure.

21 (Source: P.A. 90-737, eff. 1-1-99.)

22 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

23 Sec. 9-10. Financial reports.

24 (a) The treasurer of every state political committee and
25 the treasurer of every local political committee shall file
26 with the Board, and the treasurer of every local political
27 committee shall file with the county clerk, reports of
28 campaign contributions, and semi-annual reports of campaign
29 contributions and expenditures on forms to be prescribed or
30 approved by the Board. The treasurer of every political
31 committee that acts as both a state political committee and a
32 local political committee shall file a copy of each report

1 with the State Board of Elections and the county clerk.
2 Entities subject to Section 9-7.5 shall file reports required
3 by that Section at times provided in this Section and are
4 subject to the penalties provided in this Section.

5 (b) Reports of campaign contributions shall be filed no
6 later than the 15th day next preceding each election
7 including a primary election in connection with which the
8 political committee has accepted or is accepting
9 contributions or has made or is making expenditures. Such
10 reports shall be complete as of the 30th day next preceding
11 each election including a primary election. The Board shall
12 assess a civil penalty not to exceed \$5,000 for a violation
13 of this subsection, except that for State officers and
14 candidates and political committees formed for statewide
15 office, the civil penalty may not exceed \$10,000. The fine,
16 however, shall not exceed \$500 for a first filing violation
17 for filing less than 10 days after the deadline. There shall
18 be no fine if the report is mailed and postmarked at least 72
19 hours prior to the filing deadline. For the purpose of this
20 subsection, "statewide office" and "State officer" means the
21 Governor, Lieutenant Governor, Attorney General, Secretary of
22 State, Comptroller, and Treasurer. However, a continuing
23 political committee that neither accepts contributions nor
24 makes expenditures on behalf of or in opposition to any
25 candidate or public question on the ballot at an election
26 shall not be required to file the reports heretofore
27 prescribed but may file in lieu thereof a Statement of
28 Nonparticipation in the Election with the Board or the Board
29 and the county clerk.

30 (b-5) Notwithstanding the provisions of subsection (b),
31 any contribution of \$500 or more received in the interim
32 between the last date of the period covered by the last
33 report filed under subsection (b) prior to the election and
34 the date of the election shall be reported within 2 business

1 days after its receipt. The State Board shall allow filings
2 under this subsection (b-5) to be made by facsimile
3 transmission. For the purpose of this subsection, a
4 contribution is considered received on the date the public
5 official, candidate, or political committee (or equivalent
6 person in the case of a reporting entity other than a
7 political committee) actually receives it or, in the case of
8 goods or services, 2 days after the date the public official,
9 candidate, committee, or other reporting entity receives the
10 certification required under subsection (b) of Section 9-6.
11 Failure to report each contribution is a separate violation
12 of this subsection. The Board shall impose fines for
13 violations of this subsection as follows:

14 (1) if the political committee's or other reporting
15 entity's total receipts, total expenditures, and balance
16 remaining at the end of the last reporting period were
17 each \$5,000 or less, then \$100 per business day for the
18 first violation, \$200 per business day for the second
19 violation, and \$300 per business day for the third and
20 subsequent violations.

21 (2) if the political committee's or other reporting
22 entity's total receipts, total expenditures, and balance
23 remaining at the end of the last reporting period were
24 each more than \$5,000, then \$200 per business day for the
25 first violation, \$400 per business day for the second
26 violation, and \$600 per business day for the third and
27 subsequent violations.

28 (c) In addition to such reports the treasurer of every
29 political committee shall file semi-annual reports of
30 campaign contributions and expenditures no later than July
31 31st, covering the period from January 1st through June 30th
32 immediately preceding, and no later than January 31st,
33 covering the period from July 1st through December 31st of
34 the preceding calendar year. Reports of contributions and

1 expenditures must be filed to cover the prescribed time
2 periods even though no contributions or expenditures may have
3 been received or made during the period. The Board shall
4 assess a civil penalty not to exceed \$5,000 for a violation
5 of this subsection, except that for State officers and
6 candidates and political committees formed for statewide
7 office, the civil penalty may not exceed \$10,000. The fine,
8 however, shall not exceed \$500 for a first filing violation
9 for filing less than 10 days after the deadline. There shall
10 be no fine if the report is mailed and postmarked at least 72
11 hours prior to the filing deadline. For the purpose of this
12 subsection, "statewide office" and "State officer" means the
13 Governor, Lieutenant Governor, Attorney General, Secretary of
14 State, Comptroller, and Treasurer.

15 (d) A copy of each report or statement filed under this
16 Article shall be preserved by the person filing it for a
17 period of two years from the date of filing.

18 (Source: P.A. 90-737, eff. 1-1-99.)

19 (10 ILCS 5/9-11) (from Ch. 46, par. 9-11)

20 Sec. 9-11. Each report of campaign contributions under
21 Section 9-10 shall disclose-

22 (1) the name and address of the political committee;

23 (2) (Blank);

24 (3) the amount of funds on hand at the beginning of the
25 reporting period;

26 (4) the full name and mailing address of each person who
27 has made one or more contributions to or for such committee
28 within the reporting period in an aggregate amount or value
29 in excess of \$150, together with the amount and date of such
30 contributions, and if a contributor is an individual who
31 contributed more than \$500, the occupation and employer of
32 the contributor or, if the occupation and employer of the
33 contributor are unknown, a statement that the committee has

1 made a good faith effort to ascertain this information;

2 (5) the total sum of individual contributions made to or
3 for such committee during the reporting period and not
4 reported under item (4);

5 (6) the name and address of each political committee
6 from which the reporting committee received, or to which that
7 committee made, any transfer of funds, in any aggregate
8 amount or value in excess of \$150, together with the amounts
9 and dates of all transfers;

10 (7) the total sum of transfers made to or from such
11 committee during the reporting period and not reported under
12 item (6);

13 (8) each loan to or from any person within the reporting
14 period by or to such committee in an aggregate amount or
15 value in excess of \$150, together with the full names and
16 mailing addresses of the lender and endorsers, if any, and
17 the date and amount of such loans, and if a lender or
18 endorser is an individual who loaned or endorsed a loan of
19 more than \$500, the occupation and employer of that
20 individual, or if the occupation and employer of the
21 individual are unknown, a statement that the committee has
22 made a good faith effort to ascertain this information;

23 (9) the total amount of proceeds received by such
24 committee from (a) the sale of tickets for each dinner,
25 luncheon, cocktail party, rally, and other fund-raising
26 events; (b) mass collections made at such events; and (c)
27 sales of items such as political campaign pins, buttons,
28 badges, flags, emblems, hats, banners, literature, and
29 similar materials;

30 (10) each contribution, rebate, refund, or other receipt
31 in excess of \$150 received by such committee not otherwise
32 listed under items (4) through (9), and if a contributor is
33 an individual who contributed more than \$500, the occupation
34 and employer of the contributor or, if the occupation and

1 employer of the contributor are unknown, a statement that the
2 committee has made a good faith effort to ascertain this
3 information;

4 (11) the total sum of all receipts by or for such
5 committee or candidate during the reporting period.

6 The Board shall by rule define a "good faith effort".

7 The reports of campaign contributions filed under this
8 Article shall be cumulative during the reporting period to
9 which they relate.

10 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

11 (10 ILCS 5/9-12) (from Ch. 46, par. 9-12)

12 Sec. 9-12. Each report of campaign contributions
13 required by Section 9-10 of this Article to be filed with the
14 Board or the Board and the county clerk shall be verified,
15 dated, and signed by either the treasurer of the political
16 committee making the report or the candidate on whose behalf
17 the report is made, and shall contain substantially the
18 following:

19 REPORT OF CAMPAIGN CONTRIBUTIONS

20 (1) name and address of the political committee:
21

22 (2) the date of the beginning of the reporting period, and
23 the amount of funds on hand at the beginning of the reporting
24 period:
25

26 (3) the full name and mailing address of each person who has
27 made one or more contributions to or for the committee within
28 the reporting period in an aggregate amount or value in
29 excess of \$150, together with the amount and date of such
30 contributions, and if a contributor is an individual who
31 contributed more than \$500, the occupation and employer of
32 each contributor or, if the occupation and employer of the
33 contributor are unknown, a statement that the committee has

1 made a good faith effort to ascertain this information:

2	name	address	amount	date	occupation	employer
3
4
5
6
7

8 (4) the total sum of individual contributions made to or for
9 the committee during the reporting period and not reported
10 under item (3) -

11

12 (5) the name and address of each political committee from
13 which the reporting committee received, or to which that
14 committee made, any transfer of funds, in an aggregate amount
15 or value in excess of \$150, together with the amounts and
16 dates of all transfers:

17	name	address	amount	date
18
19
20

21 (6) the total sum of transfers made to or from such
22 committee during the reporting period and not under item (5):
23

24 (7) each loan to or from any person within the reporting
25 period by or to the committee in an aggregate amount or value
26 in excess of \$150, together with the full names and mailing
27 addresses of the lender and endorsers, if any, and the date
28 and amount of such loans, and if a lender or endorser is an
29 individual who loaned or endorsed a loan of more than \$500,
30 the occupation and employer of each person making the loan,
31 or if the occupation and employer of the individual are
32 unknown, a statement that the committee has made a good faith
33 effort to ascertain this information:

34 (8) the total amount of proceeds received by the committee

1 from (a) the sale of tickets for each dinner, luncheon,
2 cocktail party, rally, and other fund-raising events; (b)
3 mass collections made at such events; and (c) sales of items
4 such as political campaign pins, buttons, badges, flags,
5 emblems, hats, banners, literature, and similar materials:

- 6 (a).....
- 7 (b).....
- 8 (c).....

9 (9) each contribution, rebate, refund, or other receipt in
10 excess of \$150 received by the committee not otherwise listed
11 under items (3) through (8), and if the contributor is an
12 individual who contributed more than \$500, the occupation and
13 employer of each contributor or, if the occupation and
14 employer of the contributor are unknown, a statement that the
15 committee has made a good faith effort to ascertain this
16 information:

17	name	address	amount	date	occupation	employer
18
19

20 (10) the total sum of all receipts by or for the committee
21 during the reporting period:

22

23 VERIFICATION:

24 "I declare that this report of campaign contributions
25 (including any accompanying schedules and statements) has
26 been examined by me and to the best of my knowledge and
27 belief is a true, correct and complete report as required by
28 Article 9 of The Election Code. I understand that willfully
29 filing a false or incomplete statement is a business offense
30 subject to a fine of up to \$5,000."

31

32 (date of filing) (signature of person making the report)

33 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

1 (10 ILCS 5/9-13) (from Ch. 46, par. 9-13)

2 Sec. 9-13. Each semi-annual report of campaign
3 contributions and expenditures under Section 9-10 shall
4 disclose-

5 (1) the name and address of the political committee;

6 (2) (Blank);

7 (3) the amount of funds on hand at the beginning of the
8 reporting period;

9 (4) the full name and mailing address of each person who
10 has made one or more contributions to or for such committee
11 within the reporting period in an aggregate amount or value
12 in excess of \$150, together with the amount and date of such
13 contributions, and if the contributor is an individual who
14 contributed more than \$500, the occupation and employer of
15 the contributor or, if the occupation and employer of the
16 contributor are unknown, a statement that the committee has
17 made a good faith effort to ascertain this information;

18 (5) the total sum of individual contributions made to or
19 for such committee during the reporting period and not
20 reported under item (4);

21 (6) the name and address of each political committee
22 from which the reporting committee received, or to which that
23 committee made, any transfer of funds, in the aggregate
24 amount or value in excess of \$150, together with the amounts
25 and dates of all transfers;

26 (7) the total sum of transfers made to or from such
27 committee during the reporting period and not reported under
28 item (6);

29 (8) each loan to or from any person within the reporting
30 period by or to such committee in an aggregate amount or
31 value in excess of \$150, together with the full names and
32 mailing addresses of the lender and endorsers, if any, and
33 the date and amount of such loans, and if a lender or
34 endorser is an individual who loaned or endorsed a loan of

1 more than \$500, the occupation and employer of that
2 individual, or if the occupation and employer of the
3 individual are unknown, a statement that the committee has
4 made a good faith effort to ascertain this information;

5 (9) the total amount of proceeds received by such
6 committee from (a) the sale of tickets for each dinner,
7 luncheon, cocktail party, rally, and other fund-raising
8 events; (b) mass collections made at such events; and (c)
9 sales of items such as political campaign pins, buttons,
10 badges, flags, emblems, hats, banners, literature, and
11 similar materials;

12 (10) each contribution, rebate, refund, or other receipt
13 in excess of \$150 received by such committee not otherwise
14 listed under items (4) through (9), and if the contributor is
15 an individual who contributed more than \$500, the occupation
16 and employer of the contributor or, if the occupation and
17 employer of the contributor are unknown, a statement that the
18 committee has made a good faith effort to ascertain this
19 information;

20 (11) the total sum of all receipts by or for such
21 committee or candidate during the reporting period;

22 (12) the full name and mailing address of each person to
23 whom expenditures have been made by such committee or
24 candidate within the reporting period in an aggregate amount
25 or value in excess of \$150, the amount, date, and purpose of
26 each such expenditure and the question of public policy or
27 the name and address of, and office sought by, each candidate
28 on whose behalf such expenditure was made;

29 (13) the full name and mailing address of each person to
30 whom an expenditure for personal services, salaries, and
31 reimbursed expenses in excess of \$150 has been made, and
32 which is not otherwise reported, including the amount, date,
33 and purpose of such expenditure;

34 (14) the total sum of expenditures made by such

1 committee during the reporting period;

2 (15) the full name and mailing address of each person to
3 whom the committee owes debts or obligations in excess of
4 \$150, and the amount of such debts or obligations.

5 The Board shall by rule define a "good faith effort".
6 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

7 (10 ILCS 5/9-14) (from Ch. 46, par. 9-14)

8 Sec. 9-14. Each semi-annual report of campaign
9 contributions and expenditures required by Section 9-10 of
10 this Article to be filed with the Board or the Board and the
11 county clerk shall be verified, dated, and signed by either
12 the treasurer of the political committee making the report or
13 the candidate on whose behalf the report is made, and shall
14 contain substantially the following:

15 SEMI-ANNUAL REPORT OF CAMPAIGN
16 CONTRIBUTIONS AND EXPENDITURES

17 (1) name and address of the political committee:
18

19 (2) the date of the beginning of the reporting period, and
20 the amount of funds on hand at the beginning of the reporting
21 period;
22

23 (3) the full name and mailing address of each person who has
24 made one or more contributions to or for the committee within
25 the reporting period in an aggregate amount or value in
26 excess of \$150, together with the amount and date of such
27 contributions, and if a contributor is an individual who
28 contributed more than \$500, the occupation and employer of
29 each contributor or, if the occupation and employer of the
30 contributor are unknown, a statement that the committee has
31 made a good faith effort to ascertain this information:

32 name address amount date occupation employer
33

1 (8) the total amount of proceeds received by the committee
 2 from (a) the sale of tickets for each dinner, luncheon,
 3 cocktail party, rally, and other fund-raising events; (b)
 4 mass collections made at such events; and (c) sales of items
 5 such as political campaign pins, buttons, badges, flags,
 6 emblems, hats, banners, literature, and similar materials:

- 7 (a).....
- 8 (b).....
- 9 (c).....

10 (9) each contribution, rebate, refund, or other receipt in
 11 excess of \$150 received by the committee not otherwise listed
 12 under items (3) through (8), and if a contributor is an
 13 individual who contributed more than \$500, the occupation and
 14 employer of each contributor or, if the occupation and
 15 employer of the contributor are unknown, a statement that the
 16 committee has made a good faith effort to ascertain this
 17 information:

18	name	address	amount	date	endorsers	occupation	employer
19
20
21

22 (10) the total sum of all receipts by or for the committee
 23 during the reporting period:

24

25 (11) the full name and mailing address of each person to
 26 whom expenditures have been made by the committee within the
 27 reporting period in an aggregate amount or value in excess of
 28 \$150, the amount, date, and purpose of each such expenditure,
 29 and the question of public policy or the name and address of,
 30 and office sought by, each candidate on whose behalf the
 31 expenditure was made:

32	name	address	amount	date	purpose	beneficiary
33
34

1
 2
 3

4 (12) the full name and mailing address of each person to
 5 whom an expenditure for personal services, salaries, and
 6 reimbursed expenses in excess of \$150 has been made, and
 7 which is not otherwise reported, including the amount, date,
 8 and purpose of such expenditure:

9	name	address	amount	date	purpose
10
11
12

13 (13) the total sum of expenditures made by the committee
 14 during the reporting period;

15

16 (14) the full name and mailing address of each person to
 17 whom the committee owes debts or obligations in excess of
 18 \$150, and the amount of such debts or obligations:

19
 20

21 VERIFICATION:

22 "I declare that this semi-annual report of campaign
 23 contributions and expenditures (including any accompanying
 24 schedules and statements) has been examined by me and to the
 25 best of my knowledge and belief is a true, correct and
 26 complete report as required by Article 9 of The Election
 27 Code. I understand that willfully filing a false or
 28 incomplete report is a business offense subject to a fine of
 29 up to \$5,000."

30
 31 (date of filing) (signature of person making the report)

32 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

1 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
2 has issued an order, or has approved a written stipulation,
3 agreed settlement or consent order, directing a person
4 determined by the Board to be in violation of any provision
5 of this Article or any regulation adopted thereunder, to
6 cease or correct such violation or otherwise comply with this
7 Article and such person fails or refuses to comply with such
8 order, stipulation, settlement or consent order within the
9 time specified by the Board, the Board, after affording
10 notice and an opportunity for a public hearing, may impose a
11 civil penalty on such person in an amount not to exceed
12 \$5,000; except that for State officers and candidates and
13 political committees formed for statewide office, the civil
14 penalty may not exceed \$10,000. For the purpose of this
15 Section, "statewide office" and "State officer" means the
16 Governor, Lieutenant Governor, Attorney General, Secretary of
17 State, Comptroller, and Treasurer.

18 Civil penalties imposed on any such person by the Board
19 shall be enforceable in the Circuit Court. The Board shall
20 petition the Court for an order to enforce collection of the
21 penalty and, if the Court finds it has jurisdiction over the
22 person against whom the penalty was imposed, the Court shall
23 issue the appropriate order. Any civil penalties collected
24 by the Court shall be forwarded to the State Treasurer.

25 In addition to or in lieu of the imposition of a civil
26 penalty, the board may report such violation and the failure
27 or refusal to comply with the order of the Board to the
28 Attorney General and the appropriate State's Attorney.

29 ~~The name of a person who has not paid a civil penalty~~
30 ~~imposed against him or her under this Section shall not~~
31 ~~appear upon any ballot for any office in any election while~~
32 ~~the penalty is unpaid.~~

33 (Source: P.A. 90-737, eff. 1-1-99.)

1 (10 ILCS 5/9-26) (from Ch. 46, par. 9-26)

2 Sec. 9-26. Willful failure to file or willful filing of
3 false or incomplete information required by this Article
4 shall constitute a business offense subject to a fine of up
5 to \$5,000.

6 Willful filing of a false complaint under this Article
7 shall constitute a Class B misdemeanor.

8 A prosecution for any offense designated by this Article
9 shall be commenced no later than 18 months after the
10 commission of the offense.

11 The appropriate State's Attorney or the Attorney General
12 shall bring such actions in the name of the people of the
13 State of Illinois.

14 (Source: P.A. 90-737, eff. 1-1-99.)

15 (10 ILCS 5/9-27.5)

16 Sec. 9-27.5. Fundraising in or within 50 miles of
17 Springfield. Except as provided in this Section, any
18 executive branch constitutional officer, any candidate for an
19 executive branch constitutional office, any member of the
20 General Assembly, any candidate for the General Assembly, any
21 political caucus of the General Assembly, or any political
22 committee on behalf of any of the foregoing may not hold a
23 fundraising function in or within 50 miles of Springfield on
24 any day the legislature is in session (i) during the period
25 beginning 90 days before the later of the dates scheduled by
26 either house of the General Assembly for the adjournment of
27 the spring session and ending on the later of the actual
28 adjournment dates of either house of the spring session and
29 (ii) during fall veto session. For purposes of this Section,
30 the legislature is not considered to be in session on a day
31 that is solely a perfunctory session day or on a day when
32 only a committee is meeting.

33 This Section does not apply to members and political

1 committees of members of the General Assembly whose districts
2 are located, in whole or in part, in or within 50 miles of
3 Springfield and candidates and political committees of
4 candidates for the General Assembly from districts located,
5 in whole or in part, in or within 50 miles of Springfield,
6 provided that the fundraising function takes place within the
7 member's or candidate's district.

8 (Source: P.A. 90-737, eff. 1-1-99.)

9 (10 ILCS 5/9-28)

10 Sec. 9-28. Electronic filing and availability. The
11 Board shall by rule provide for the electronic filing of
12 expenditure and contribution reports as follows:

13 Beginning July 1, 1999, or as soon thereafter as the
14 Board has provided adequate software to the political
15 committee, electronic filing is required for all political
16 committees that during the reporting period (i) had at any
17 time a balance or an accumulation of contributions of \$25,000
18 or more, (ii) made aggregate expenditures of \$25,000 or more,
19 or (iii) received loans of an aggregate of \$25,000 or more.

20 Beginning July 1, 2003, electronic filing is required for
21 all political committees that during the reporting period (i)
22 had at any time a balance or an accumulation of contributions
23 of \$10,000 or more, (ii) made aggregate expenditures of
24 \$10,000 or more, or (iii) received loans of an aggregate of
25 \$10,000 or more.

26 The Board may provide by rule for the optional electronic
27 filing of expenditure and contribution reports for all other
28 political committees. The Board shall promptly make all
29 reports filed under this Article by all political committees
30 publicly available by means of a searchable database that is
31 accessible through the World Wide Web.

32 The Board shall provide all software necessary to comply
33 with this Section to candidates, public officials, political

1 committees, and election authorities.

2 The Board shall implement a plan to provide computer
3 access and assistance to candidates, public officials,
4 political committees, and election authorities with respect
5 to electronic filings required under this Article.

6 For the purposes of this Section, "political committees"
7 includes entities required to report to the Board under
8 Section 9-7.5.

9 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)

10 (10 ILCS 5/29-14 rep.)

11 Section 30. The Election Code is amended by repealing
12 Section 29-14.

13 Section 35. The Lobbyist Registration Act is amended by
14 re-enacting Section 6.5 as follows:

15 (25 ILCS 170/6.5)

16 Sec. 6.5. Response to report by official.

17 (a) Every person required to register as prescribed in
18 Section 3 and required to file a report with the Secretary of
19 State as prescribed in Section 6 shall, at least 25 days
20 before the deadline for filing the report, provide a copy of
21 the report to each official listed in the report by first
22 class mail or hand delivery. An official may, within 10 days
23 after receiving the copy of the report, provide written
24 objections to the report by first class mail or hand delivery
25 to the person required to file the report. If those written
26 objections conflict with the final report that is filed, the
27 written objections shall be filed along with the report.

28 (b) Failure to provide a copy of the report to an
29 official listed in the report within the time designated in
30 this Section is a violation of this Act.

31 (Source: P.A. 90-737, eff. 1-1-99.)

1 Section 40. The Illinois Procurement Code is amended by
2 changing Section 50-30 as follows:

3 (30 ILCS 500/50-30)

4 Sec. 50-30. Revolving door prohibition. No former State
5 officer or State employee may, within a period of 2 years
6 immediately preceding termination of State employment, accept
7 employment or receive compensation from an employer if:

8 (1) The officer or employee, during the 2 years
9 immediately preceding termination of State employment, was
10 engaged in the negotiation or administration on behalf of the
11 State or agency of one or more contracts with that employer
12 and was in a position to make discretionary decisions
13 affecting the outcome of such negotiation or nature of such
14 administration; and

15 (2) The officer or employee was the chief procurement
16 officer, associate procurement office, State purchasing
17 officer, designee of one of those officers whose principal
18 duties are directly related to State procurement, or
19 executive officer confirmed by the Senate.

20 This prohibition includes but is not limited to: lobbying
21 the procurement process; specifying; bidding; proposing bid,
22 proposal, or contract documents; on his or her own behalf or
23 on behalf of any firm, partnership, association, or
24 corporation. This Section applies only to persons who
25 terminate an affected position on or after the effective date
26 of this amendatory Act of the 92nd General Assembly. Chief
27 procurement-officers, associate-procurement-officers, State
28 purchasing-officers, their-designees-whose-principal-duties
29 are-directly-related-to-State-procurement, and executive
30 officers-confirmed-by-the-Senate-are-expressly-prohibited-for
31 a-period-of-2-years-after-terminating-an-affected-position
32 from-engaging-in-any-procurement-activity-relating-to-the
33 State-agency-most-recently-employing-them-in-an-affected

1 position-for-a-period-of-at-least-6-months.--The--prohibition
2 includes--but--is--not--limited--to:--lobbying-the-procurement
3 process;--specifying;--bidding;--proposing--bid;--proposal;--or
4 contract--documents;--on-their-own-behalf-or-on-behalf-of-any
5 firm;--partnership;--association;--or-corporation.--This--Section
6 applies-only-to-persons-who-terminate-an-affected-position-on
7 or-after-January-15;--1999.
8 (Source: P.A. 90-572, eff. 2-6-98.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."