

1 AN ACT in relation to elections.

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

4 Section 3. The State Gift Ban Act is amended by changing
5 Section 15 as follows:

6 (5 ILCS 425/15)

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

9 (1) Anything for which the member, officer, employee, or
10 judge pays the market value or anything not used and promptly
11 disposed of as provided in Section 25.

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

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

26 (4) Anything provided by an individual on the basis of a
27 personal friendship unless the member, officer, employee, or
28 judge has reason to believe that, under the circumstances,
29 the gift was provided because of the official position or
30 employment of the member, officer, employee, or judge and not
31 because of the personal friendship.

1 In determining whether a gift is provided on the basis of
2 personal friendship, the member, officer, employee, or judge
3 shall consider the circumstances under which the gift was
4 offered, such as:

5 (i) the history of the relationship between the
6 individual giving the gift and the recipient of the gift,
7 including any previous exchange of gifts between those
8 individuals;

9 (ii) whether to the actual knowledge of the member,
10 officer, employee, or judge the individual who gave the
11 gift personally paid for the gift or sought a tax
12 deduction or business reimbursement for the gift; and

13 (iii) whether to the actual knowledge of the
14 member, officer, employee, or judge the individual who
15 gave the gift also at the same time gave the same or
16 similar gifts to other members, officers, employees, or
17 judges.

18 (5) A commercially reasonable loan evidenced in writing
19 with repayment due by a date certain made in the ordinary
20 course of the lender's business.

21 (6) A contribution or other payments to a legal defense
22 fund established for the benefit of a member, officer,
23 employee, or judge that is otherwise lawfully made.

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

26 (i) any gift given to a member or employee of the
27 legislative branch from another member or employee of the
28 legislative branch;

29 (ii) any gift given to a judge or employee of the
30 judicial branch from another judge or employee of the
31 judicial branch;

32 (iii) any gift given to an officer or employee of
33 the executive branch from another officer or employee of
34 the executive branch;

1 (iv) any gift given to an officer or employee of a
2 unit of local government, home rule unit, or school
3 district, from another employee of that unit of local
4 government, home rule unit, or school district;

5 (v) any gift given to an officer or employee of any
6 other governmental entity not included in item (i), (ii),
7 (iii), or (iv), from another employee of that
8 governmental entity; or

9 (vi) any gift given to a member or employee of the
10 legislative branch, a judge or employee of the judicial
11 branch, an officer or employee of the executive branch,
12 an officer or employee of a unit of local government,
13 home rule unit, or school district, or an officer or
14 employee of any other governmental entity not included in
15 item (i), (ii), (iii), or (iv) from a member or employee
16 of the legislative branch, a judge or employee of the
17 judicial branch, an officer or employee of the executive
18 branch, an officer or employee of a unit of local
19 government, home rule unit, or school district, or an
20 officer or employee of any other governmental entity.

21 (8) Food, refreshments, lodging, transportation, and
22 other benefits:

23 (i) resulting from the outside business or
24 employment activities (or outside activities that are not
25 connected to the duties of the member, officer, employee,
26 or judge, as an office holder or employee) of the member,
27 officer, employee, judge, or the spouse of the member,
28 officer, employee, or judge, if the benefits have not
29 been offered or enhanced because of the official position
30 or employment of the member, officer, employee, or judge
31 and are customarily provided to others in similar
32 circumstances;

33 (ii) customarily provided by a prospective employer
34 in connection with bona fide employment discussions; or

1 (iii) provided by a political organization in
2 connection with a fundraising or campaign event sponsored
3 by that organization.

4 (9) Pension and other benefits resulting from continued
5 participation in an employee welfare and benefits plan
6 maintained by a former employer.

7 (10) Informational materials that are sent to the office
8 of the member, officer, employee, or judge in the form of
9 books, articles, periodicals, other written materials,
10 audiotapes, videotapes, or other forms of communication.

11 (11) Awards or prizes that are given to competitors in
12 contests or events open to the public, including random
13 drawings.

14 (12) Honorary degrees (and associated travel, food,
15 refreshments, and entertainment provided in the presentation
16 of degrees and awards).

17 (13) Training (including food and refreshments furnished
18 to all attendees as an integral part of the training)
19 provided to a member, officer, employee, or judge, if the
20 training is in the interest of the governmental entity.

21 (14) Educational missions, including meetings with
22 government officials either foreign or domestic, intended to
23 educate public officials on matters of public policy, to
24 which the member, officer, employee, or judge may be invited
25 to participate along with other federal, state, or local
26 public officials and community leaders.

27 (15) Bequests, inheritances, and other transfers at
28 death.

29 (16) Anything that is paid for by the federal
30 government, the State, or a governmental entity, or secured
31 by the government or governmental entity under a government
32 contract.

33 (17) A gift of personal hospitality of an individual
34 other than a registered lobbyist or agent of a foreign

1 principal, including hospitality extended for a nonbusiness
2 purpose by an individual, not a corporation or organization,
3 at the personal residence of that individual or the
4 individual's family or on property or facilities owned by
5 that individual or the individual's family.

6 (18) Free attendance at a widely attended event
7 permitted under Section 20.

8 (19) Opportunities and benefits that are:

9 (i) available to the public or to a class
10 consisting of all employees, officers, members, or
11 judges, whether or not restricted on the basis of
12 geographic consideration;

13 (ii) offered to members of a group or class in
14 which membership is unrelated to employment or official
15 position;

16 (iii) offered to members of an organization such as
17 an employee's association or credit union, in which
18 membership is related to employment or official position
19 and similar opportunities are available to large segments
20 of the public through organizations of similar size;

21 (iv) offered to any group or class that is not
22 defined in a manner that specifically discriminates among
23 government employees on the basis of branch of government
24 or type of responsibility, or on a basis that favors
25 those of higher rank or rate of pay;

26 (v) in the form of loans from banks and other
27 financial institutions on terms generally available to
28 the public; or

29 (vi) in the form of reduced membership or other
30 fees for participation in organization activities offered
31 to all government employees by professional organizations
32 if the only restrictions on membership relate to
33 professional qualifications.

34 (20) A plaque, trophy, or other item that is

1 substantially commemorative in nature and that is extended
2 for presentation.

3 (21) Golf or tennis; food or refreshments of nominal
4 value and catered food or refreshments; meals or beverages
5 consumed on the premises from which they were purchased.

6 (22) Donations of products from an Illinois company that
7 are intended primarily for promotional purposes, such as
8 display or free distribution, and are of minimal value to any
9 individual recipient.

10 (23) Any item or items from any one prohibited source
11 during any calendar year having a cumulative total value of
12 less than \$100. An item of nominal value such as a greeting
13 card, baseball cap, or T-shirt.

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

15 Section 5. The Election Code is amended by adding
16 Section 9-25.2 as follows:

17 (10 ILCS 5/9-25.2 new)

18 Sec. 9-25.2. Contributions; candidate or treasurer of
19 political committee.

20 (a) No candidate may knowingly receive any contribution
21 solicited or received in violation of Section 33-3.1 or
22 Section 33-3.2 of the Criminal Code of 1961.

23 (b) The receipt of political contributions in violation
24 of this Section shall constitute a Class A misdemeanor.

25 The appropriate State's Attorney or the Attorney General
26 shall bring actions in the name of the people of the State of
27 Illinois.

28 Section 10. The Criminal Code of 1961 is amended by
29 adding Sections 33-3.1 and 33-3.2 as follows:

30 (720 ILCS 5/33-3.1 new)

1 Sec. 33-3.1. Solicitation misconduct (State government).

2 (a) An employee of an executive branch constitutional
3 officer commits solicitation misconduct (State government)
4 when, at any time, he or she knowingly solicits or receives
5 contributions, as that term is defined in Section 9-1.4 of
6 the Election Code, from a person engaged in a business or
7 activity over which the person has regulatory authority.

8 (b) For the purpose of this Section, "employee of an
9 executive branch constitutional officer" means a full-time or
10 part-time salaried employee, full-time or part-time salaried
11 appointee, or any contractual employee of any office, board,
12 commission, agency, department, authority, administrative
13 unit, or corporate outgrowth under the jurisdiction of an
14 executive branch constitutional officer; and "regulatory
15 authority" means having the responsibility to investigate,
16 inspect, license, or enforce regulatory measures necessary to
17 the requirements of any State or federal statute or
18 regulation relating to the business or activity.

19 (c) An employee of an executive branch constitutional
20 officer, including one who does not have regulatory
21 authority, commits a violation of this Section if that
22 employee knowingly acts in concert with an employee of an
23 executive branch constitutional officer who does have
24 regulatory authority to solicit or receive contributions in
25 violation of this Section.

26 (d) Solicitation misconduct (State government) is a
27 Class A misdemeanor. An employee of an executive branch
28 constitutional officer convicted of committing solicitation
29 misconduct (State government) forfeits his or her employment.

30 (e) An employee of an executive branch constitutional
31 officer who is discharged, demoted, suspended, threatened,
32 harassed, or in any other manner discriminated against in the
33 terms and conditions of employment because of lawful acts
34 done by the employee or on behalf of the employee or others

1 in furtherance of the enforcement of this Section shall be
2 entitled to all relief necessary to make the employee whole.

3 (f) Any person who knowingly makes a false report of
4 solicitation misconduct (State government) to the State
5 Police, the Attorney General, a State's Attorney, or any law
6 enforcement official is guilty of a Class C misdemeanor.

7 (720 ILCS 5/33-3.2 new)

8 Sec. 33-3.2. Solicitation misconduct (local government).

9 (a) An employee of a chief executive officer of a local
10 government commits solicitation misconduct (local government)
11 when, at any time, he or she knowingly solicits or receives
12 contributions, as that term is defined in Section 9-1.4 of
13 the Election Code, from a person engaged in a business or
14 activity over which the person has regulatory authority.

15 (b) For the purpose of this Section, "chief executive
16 officer of a local government" means an executive officer of
17 a county, township or municipal government or any
18 administrative subdivision under jurisdiction of the county,
19 township, or municipal government including but not limited
20 to: chairman or president of a county board or commission,
21 mayor or village president, township supervisor, county
22 executive, municipal manager, assessor, auditor, clerk,
23 coroner, recorder, sheriff or State's Attorney; "employee of
24 a chief executive officer of a local government" means a
25 full-time or part-time salaried employee, full-time or
26 part-time salaried appointee, or any contractual employee of
27 any office, board, commission, agency, department, authority,
28 administrative unit, or corporate outgrowth under the
29 jurisdiction of a chief executive officer of a local
30 government; and "regulatory authority" means having the
31 responsibility to investigate, inspect, license, or enforce
32 regulatory measures necessary to the requirements of any
33 State, local, or federal statute or regulation relating to

1 the business or activity.

2 (c) An employee of a chief executive officer of a local
3 government, including one who does not have regulatory
4 authority, commits a violation of this Section if that
5 employee knowingly acts in concert with an employee of a
6 chief executive officer of a local government who does have
7 regulatory authority to solicit or receive contributions in
8 violation of this Section.

9 (d) Solicitation misconduct (local government) is a
10 Class A misdemeanor. An employee of a chief executive
11 officer of a local government convicted of committing
12 solicitation misconduct (local government) forfeits his or
13 her employment.

14 (e) An employee of a chief executive officer of a local
15 government who is discharged, demoted, suspended, threatened,
16 harassed, or in any other manner discriminated against in the
17 terms and conditions of employment because of lawful acts
18 done by the employee or on behalf of the employee or others
19 in furtherance of the enforcement of this Section shall be
20 entitled to all relief necessary to make the employee whole.

21 (f) Any person who knowingly makes a false report of
22 solicitation misconduct (local government) to the State
23 Police, the Attorney General, a State's Attorney, or any law
24 enforcement official is guilty of a Class C misdemeanor.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.