

1 AN ACT in relation to ethics.

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

4 Section 1. Purpose.

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

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

11 (2) On March 30, 1999, the Illinois Circuit Court
12 of the 7th Judicial Circuit, in Illinois State Bar
13 Association v. Ryan, Case No. 99-MR-363, ruled that the
14 provisions of Public Act 90-737 creating the State Gift
15 Ban Act (i) are unconstitutional to the extent the
16 legislature attempted to prohibit activities already in
17 force as to judges and (ii) are unconstitutional to the
18 extent that bodies other than the Judicial Inquiry Board
19 and the Courts Commission may discipline judges. On
20 September 8, 2000, the Illinois Circuit Court of the 12th
21 Judicial Circuit, in Flynn v. Ryan, Docket No. 99 CH 340,
22 ruled that Public Act 90-737 (i) is unconstitutionally
23 vague; (ii) violates the separation of powers clause
24 (Article 2, Section 1) of the Illinois Constitution;
25 (iii) violates the provisions of Article 4, Section 14 of
26 the Illinois Constitution, which provides the sole means
27 for removing officials from office; (iv) violates Article
28 4, Section 2(c) of the Illinois Constitution, which sets
29 eligibility requirements to hold office; and (v) is
30 unconstitutional in its entirety.

31 (3) The provisions of Public Act 90-737 are of
32 vital concern to the people of this State, and

1 legislative action concerning Public Act 90-737 is
2 necessary.

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

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

13 (d) In addition to re-enacting the provisions of Public
14 Act 90-737, this Act amends Sections 5, 10, 15, 20, 30, 35,
15 45, 55, 60, 80, 83, and 85 of the State Gift Ban Act; Section
16 1.02 of the Open Meetings Act; Sections 9-3, 9-8.10, 9-8.15,
17 9-9.5, 9-10, 9-23, and 9-27.5 of the Election Code; and
18 Section 50-30 of the Illinois Procurement Code and adds
19 Sections 9-8.5, 9-8.7, and 9-25.2 to the Election Code and
20 Section 33-3.1 to the Criminal Code of 1961. The amendments
21 are shown by underscoring and striking text.

22 Section 5. The State Gift Ban Act is amended by
23 re-enacting Sections 1, 25, 40, 50, 65, 70, and 75 and by
24 re-enacting and changing Sections 5, 10, 15, 20, 30, 35, 45,
25 55, 60, 80, 83, 85, and 95 as follows:

26 (5 ILCS 425/1)

27 Sec. 1. Short title. This Act may be cited as the State
28 Gift Ban Act.

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

30 (5 ILCS 425/5)

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

1 "Commission" means an ethics commission created by this
2 Act.

3 "Employee" means all full-time, part-time, and
4 contractual employees of the executive and legislative
5 branches of State government,~~---appointed--and--elected~~
6 ~~officials,--and--directors--of--a--governmental--entity.~~

7 "Gift" means any gratuity, discount, entertainment,
8 hospitality, loan, forbearance, or other tangible or
9 intangible item having monetary value including, but not
10 limited to, cash, food and drink, and honoraria for speaking
11 engagements related to or attributable to government
12 employment or the official position of an employee, member,
13 or officer,~~or-judge.~~

14 "Governmental entity" means each office, board,
15 commission, agency, department, authority, institution,
16 university, body politic and corporate, administrative unit,
17 and corporate outgrowth of the executive and, legislative,
18 ~~and-judicial~~ branches of State government, whether created by
19 the Illinois Constitution, by or in accordance with statute,
20 or by executive order of the Governor. "Governmental entity"
21 includes the Health Facilities Planning Board.

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

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

25 "Officer" means a State constitutional officer.

26 "Political organization" means a party, committee,
27 association, fund, or other organization (whether or not
28 incorporated) organized and operated primarily for the
29 purpose of directly or indirectly accepting contributions or
30 making expenditures, or both, for the function of influencing
31 or attempting to influence the selection, nomination,
32 election, or appointment of any individual to any federal,
33 state, or local public office or office in a political
34 organization, or the election of Presidential or

1 Vice-Presidential electors, whether or not the individual or
2 electors are selected, nominated, elected, or appointed. The
3 term includes the making of expenditures relating to an
4 office described in the preceding sentence that, if incurred
5 by the individual, would be allowable as a federal income tax
6 deduction for trade or business expenses.

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

8 (1) is seeking official action (i) by the member
9 or officer ~~or~~ judge or (ii) in the case of an employee,
10 by the employee or by the member, officer, judge,
11 governmental entity, or other employee directing the
12 employee;

13 (2) does business or seeks to do business (i) with
14 the member or officer ~~or~~ judge or (ii) in the case of
15 an employee, with the employee or with the member,
16 officer, judge, governmental entity, or other employee
17 directing the employee;

18 (3) conducts activities regulated (i) by the member
19 or officer ~~or~~ judge or (ii) in the case of an employee,
20 by the employee or by the member, officer, judge,
21 governmental entity, or other employee directing the
22 employee;

23 (4) has interests that may be substantially
24 affected by the performance or non-performance of the
25 official duties of the member, officer, or employee ~~or~~
26 judge; or

27 (5) is registered or required to be registered with
28 the Secretary of State under the Lobbyist Registration
29 Act.

30 "Ultimate jurisdictional authority" means the following:

31 (1) For members, partisan staff, and their
32 secretaries, the appropriate legislative leader:
33 President of the Senate, Minority Leader of the Senate,
34 Speaker of the House of Representatives, or Minority

1 Leader of the House of Representatives.

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

5 (3) For State employees who are professional staff
6 or employees of the House of Representatives and not
7 covered under item (1), the Speaker of the House of
8 Representatives.

9 (4) For State employees who are employees of the
10 legislative support services agencies, the Joint
11 Committee on Legislative Support Services.

12 (5) (Blank). ~~For judges, the Chief Justice of the~~
13 ~~Supreme Court.~~

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

16 (7) For State employees of an executive branch
17 constitutional officer, the appropriate executive branch
18 constitutional officer.

19 (8) For State employees not under the jurisdiction
20 of paragraph (1), (2), (3), (4), ~~(5)~~ or (7), the
21 Governor.

22 (9) For officers, the General Assembly.

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

24 (5 ILCS 425/10)

25 Sec. 10. Gift ban. Except as otherwise provided in this
26 Act, no member, officer, or employee, ~~or~~ judge shall
27 knowingly solicit or accept any gift of more than \$100 per
28 year from any prohibited source or in violation of any
29 federal or State statute, rule, or regulation. This ban
30 applies to and includes spouses of and immediate family
31 living with the member, officer, or employee, ~~or~~ judge. No
32 prohibited source shall offer or make a gift that violates
33 this Section.

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

2 (5 ILCS 425/15)

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

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

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

13 (3) Educational materials and missions.

14 (4) Travel expenses for a meeting to discuss State
15 business.

16 (5) 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 (6) (4) Anything provided by an individual on the basis
27 of a personal friendship unless the member, officer, or
28 employee,--or--judge has reason to believe that, under the
29 circumstances, the gift was provided because of the official
30 position or employment of the member, officer, or employee,
31 or judge and not because of the personal friendship.

32 In determining whether a gift is provided on the basis of
33 personal friendship, the member, officer, or employee,--or

1 judge shall consider the circumstances under which the gift
2 was offered, such as:

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

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

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

16 (7) Food or refreshments not exceeding \$75 per person in
17 value; provided that the food or refreshments are (i)
18 consumed on the premises from which they were purchased or
19 prepared or (ii) catered. For the purposes of this Section,
20 "catered" means food or refreshments that are purchased ready
21 to eat and delivered by any means. (5)--A-commercially
22 reasonable-loan-evidenced-in-writing-with-repayment-due-by--a
23 date--certain--made--in--the--ordinary-course-of-the-lender's
24 business-

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

28 (8) (7) Intra-office and inter-office gifts. For the
29 purpose of this Act, "intra-office gifts" means:

30 (i) any gift given to a member or employee of the
31 legislative branch from another member or employee of the
32 legislative branch;

33 (ii) (Blank). any-gift-given-to-a-judge-or-employee
34 of-the-judicial-branch-from-another-judge-or-employee--of

1 the-judicial-branch;

2 (iii) any gift given to an officer or employee of
3 the executive branch from another officer or employee of
4 the executive branch;

5 (iv) (Blank). any-gift--given--to--an--officer-or
6 employee-of-a-unit-of-local-government, home--rule--unit,
7 or-school-district,--from-another-employee-of-that-unit-of
8 local-government, home-rule-unit, or-school-district;

9 (v) any gift given to an officer or employee of any
10 other governmental entity not included in item (i) or
11 ~~(ii)~~, (iii), ~~or~~ ~~(iv)~~, from another employee of that
12 governmental entity; or

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

25 ~~(8)~~--Food,--refreshments,--lodging,--transportation,--and
26 other-benefits:

27 ~~(i)~~--resulting--from--the--outside--business--or
28 employment-activities-(or-outside-activities-that-are-not
29 connected-to-the-duties-of-the-member, officer, employee,
30 or-judge, as-an-office-holder-or-employee)-of-the-member,
31 officer, employee, judge, or-the-spouse--of--the--member,
32 officer,--employee,--or--judge,--if-the-benefits-have-not
33 been-offered-or-enhanced-because-of-the-official-position
34 or-employment-of-the-member, officer, employee, or--judge

1 and---are---customarily---provided---to---others---in---similar
2 circumstances;

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

5 (iii)---provided---by---a---political---organization---in
6 connection-with-a-fundraising-or-campaign-event-sponsored
7 by-that-organization.

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

11 (10)---Informational-materials-that-are-sent-to-the-office
12 of-the-member,-officer,-employee,-or-judge---in---the---form---of
13 books,----articles,----periodicals,----other---written---materials,
14 audiotapes,-videotapes,-or-other-forms-of-communication.

15 (11)---Awards-or-prizes-that-are-given-to---competitors---in
16 contests---or---events---open---to---the---public,-including-random
17 drawings.

18 (12)---Honorary---degrees---(and---associated---travel,-food,
19 refreshments,-and-entertainment-provided-in-the---presentation
20 of-degrees-and-awards).

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

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

31 (9) (15) Bequests, inheritances, and other transfers at
32 death.

33 (16)---Anything---that---is---paid---for---by---the---federal
34 government,-the-State,-or-a-governmental-entity,-or---secured

1 by--the--government--or--governmental--entity--under--a--government
2 contract.

3 (17)--A--gift--of--personal--hospitality--of--an--individual
4 other--than--a--registered--lobbyist--or--agent--of--a--foreign
5 principal,--including--hospitality--extended--for--a--nonbusiness
6 purpose--by--an--individual,--not--a--corporation--or--organization,
7 at--the--personal--residence--of--that--individual---or---the
8 individual's--family--or--on--property--or--facilities--owned--by
9 that--individual--or--the--individual's--family.

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

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

13 (i)--available---to---the---public--or--to--a--class
14 consisting--of--all--employees,--officers,--members,---or
15 judges,--whether--or--not--restricted--on--the--basis--of
16 geographic--consideration;

17 (ii)--offered--to--members--of--a--group--or--class--in
18 which--membership--is--unrelated--to--employment--or--official
19 position;

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

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

30 (v)--in--the--form--of--loans--from--banks--and--other
31 financial--institutions--on--terms--generally--available--to
32 the--public;--or

33 (vi)--in--the--form--of--reduced--membership--or--other
34 fees--for--participation--in--organization--activities--offered

1 to all government employees by professional organizations
2 if the only restrictions on membership relate to
3 professional qualifications.

4 (20) A plaque, trophy, or other item that is
5 substantially commemorative in nature and that is extended
6 for presentation.

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

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

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

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

17 (5 ILCS 425/20)

18 Sec. 20. Attendance at meetings events.

19 (a) A member, officer, or employee, or judge may accept
20 travel expenses in connection with a meeting to discuss State
21 business, as defined by rules adopted by the appropriate
22 ethics commission. an offer of free attendance at a widely
23 attended convention, conference, symposium, forum, panel
24 discussion, dinner, viewing, reception, or similar event,
25 provided by the sponsor of the event, if:

26 (1) the member, officer, employee, or judge
27 participates in the event as a speaker or a panel
28 participant, by presenting information related to
29 government, or by performing a ceremonial function
30 appropriate to the member's, officer's, employee's, or
31 judge's official position or employment; or

32 (2) attendance at the event is appropriate to the
33 performance of civic affairs in Illinois or the official

1 duties-or-representative-function-of-the-member, officer,
2 employee, or judge.

3 (b)--A member, officer, employee, or judge who attends an
4 event described in subsection (a) may accept a sponsor's
5 unsolicited offer of free attendance at the event for an
6 accompanying individual.

7 (c)--A member, officer, employee, or judge, or the spouse
8 or dependent thereof, may accept a sponsor's unsolicited
9 offer of free attendance at a charity event, except that
10 reimbursement for transportation and lodging may not be
11 accepted in connection with the event.

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

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

23 (5 ILCS 425/25)

24 Sec. 25. Disposition of gifts. The recipient of a gift
25 that is given in violation of this Act may, at his or her
26 discretion, return the item to the donor or give the item or
27 an amount equal to its value to an appropriate charity.

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

29 (5 ILCS 425/30)

30 Sec. 30. Reimbursement. (Blank).

31 (a)--A reimbursement (including payment in kind) to a
32 member, officer, employee, or judge from a private source

1 other--than--a--registered--lobbyist--or--agent--of--a--foreign
 2 principal--for--necessary--transportation,--lodging,--and--related
 3 expenses--for--travel--to--a--meeting,--speaking--engagement,--fact
 4 finding--trip,--or--similar--event--in--connection--with--the--duties
 5 of--the--member,--officer,--employee,--or--judge--as--an--office
 6 holder--or--employee--shall--be--deemed--to--be--a--reimbursement--to
 7 the--governmental--entity--and--not--a--gift--prohibited--by--this--Act
 8 if--the--member,--officer,--employee,--or--judge:

9 (1)--discloses--the--expenses--reimbursed--or--to--be
 10 reimbursed--and--the--authorization--to--the--Clerk--of--the
 11 House--of--Representatives,--the--Secretary--of--the--Senate,
 12 the--State--Comptroller,--fiscal--officer,--or--similar
 13 authority--as--appropriate,--within--30--days--after--the--travel
 14 is--completed;--and

15 (2)--in--the--case--of--an--employee,--receives--advance
 16 authorization,--from--the--member,--officer,--judge,--or--other
 17 employee--under--whose--direct--supervision--the--employee
 18 works--to--accept--reimbursement.

19 (b)--For--purposes--of--subsection--(a),--events,--the
 20 activities--of--which--are--substantially--recreational--in--nature,
 21 shall--not--be--considered--to--be--in--connection--with--the--duties
 22 of--a--member,--officer,--employee,--or--judge--as--an--office--holder
 23 or--employee.

24 (c)--Each--advance--authorization--to--accept--reimbursement
 25 shall--be--signed--by--the--member,--officer,--judge,--or--other
 26 employee--under--whose--direct--supervision--the--employee--works
 27 and--shall--include:

28 (1)--the--name--of--the--employee;

29 (2)--the--name--of--the--person--who--will--make--the
 30 reimbursement;

31 (3)--the--time,--place,--and--purpose--of--the--travel;--and

32 (4)--a--determination--that--the--travel--is--in
 33 connection--with--the--duties--of--the--employee--as--an--employee
 34 and--would--not--create--the--appearance--that--the--employee--is

1 using-public-employment-for-private-gain.

2 (d) Each disclosure made under subsection (a) of
3 expenses reimbursed or to be reimbursed shall be signed by
4 the member, officer, or judge (in the case of travel by the
5 member, officer, or judge) or by the member, officer, judge,
6 or other employee under whose direct supervision the employee
7 works (in the case of travel by an employee) and shall
8 include:

9 (1) a good faith estimate of total transportation
10 expenses reimbursed or to be reimbursed;

11 (2) a good faith estimate of total lodging expenses
12 reimbursed or to be reimbursed;

13 (3) a good faith estimate of total meal expenses
14 reimbursed or to be reimbursed;

15 (4) a good faith estimate of the total of other
16 expenses reimbursed or to be reimbursed; and

17 (5) a determination that all those expenses are
18 necessary transportation, lodging, and related expenses.

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

20 (5 ILCS 425/35)

21 Sec. 35. Ethics Officer. Each officer and the head of
22 each governmental entity shall designate an Ethics Officer
23 for the office or governmental entity. For the legislative
24 branch, the President and Minority Leader of the Senate and
25 the Speaker and Minority Leader of the House of
26 Representatives shall each appoint an ethics officer for the
27 legislative members of their political party. Ethics Officers
28 shall:

29 (1) review statements of economic interest and
30 disclosure forms of members, officers, judges, senior
31 employees, and contract monitors before they are filed
32 with the Secretary of State; and

33 (2) provide guidance to members, officers, and

1 employees,--and--judges in the interpretation and
2 implementation of this Act.

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

4 (5 ILCS 425/40)

5 Sec. 40. Further restrictions. A governmental entity
6 may adopt or maintain policies that are more restrictive than
7 those set forth in this Act and shall continue to follow any
8 existing policies, statutes, or regulations that are more
9 restrictive or are in addition to those set forth in this
10 Act.

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

12 (5 ILCS 425/45)

13 Sec. 45. Ethics Commissions.

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

27 (1) For the ethics commission of the executive
28 branch Governor there shall be 7 commissioners appointed
29 by the Governor with the advice and consent of the
30 Senate. This ethics commission shall have jurisdiction
31 over all of the executive branch of State government
32 ~~except-the-officers-specified-in-items-(2)-(3)-(4)-and~~

1 ~~(5) and their employees.~~

2 (2) (Blank). ~~For the ethics commission of the~~
3 ~~Attorney-General there shall be 7 commissioners appointed~~
4 ~~by the Attorney-General.~~

5 (3) (Blank). ~~For the ethics commission of the~~
6 ~~Secretary of State there shall be 7 commissioners~~
7 ~~appointed by the Secretary of State.~~

8 (4) (Blank). ~~For the ethics commission of the~~
9 ~~Comptroller there shall be 7 commissioners appointed by~~
10 ~~the Comptroller.~~

11 (5) (Blank). ~~For the ethics commission of the~~
12 ~~Treasurer there shall be 7 commissioners appointed by the~~
13 ~~Treasurer.~~

14 (6) For the ethics commission of the legislative
15 branch there shall be 8 commissioners. The Speaker and
16 the Minority Leader of the House of Representatives and
17 the President and the Minority Leader of the Senate shall
18 each appoint 2 commissioners.

19 ~~(7) For the ethics commission of the judicial~~
20 ~~branch there shall be 6 commissioners. The Chief Justice~~
21 ~~of the Supreme Court shall appoint the commissioners with~~
22 ~~the concurrence of 3 other Supreme Court Judges.~~

23 (b) At the first meeting of each commission, the initial
24 appointees shall draw lots to divide into 2 groups.
25 Commissioners of the first group shall serve 2-year terms,
26 and commissioners of the second group shall serve one-year
27 terms. Thereafter commissioners shall be appointed to 2-year
28 terms. Commissioners may be reappointed to serve subsequent
29 terms.

30 (c) The respective appointing authority or authorities
31 may remove a commissioner appointed by that authority or
32 those authorities in case of incompetency, neglect of duty,
33 or malfeasance in office after service on the commissioner by
34 certified mail, return receipt requested, of a copy of the

1 written charges against the commissioner and an opportunity
2 to be heard in person or by counsel upon not less than 10
3 days' notice. Vacancies shall be filled by the appropriate
4 appointing authority or authorities.

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

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

30 (5 ILCS 425/50)

31 Sec. 50. Staff. Each commission may employ necessary
32 staff persons and may contract for services that cannot be
33 satisfactorily performed by the staff.

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

2 (5 ILCS 425/55)

3 Sec. 55. Powers and duties. Each commission shall have
4 the following powers and duties:

5 (1) To promulgate procedures and rules governing the
6 performance of its duties and the exercise of its powers.
7 Rules defining "a meeting to conduct State business", rules
8 concerning the disclosure of reimbursements, and rules
9 concerning where a complaint under Section 60 must be filed
10 must be adopted as soon as possible, but in any case, no
11 later than 120 days after the effective date of this
12 amendatory Act of the 92nd General Assembly. The commissions
13 may adopt emergency rules under Section 5-45 of the Illinois
14 Administrative Procedure Act.

15 (2) Upon receipt of a signed, notarized, written
16 complaint, to investigate, conduct research, conduct closed
17 hearings and deliberations, issue recommendations, and impose
18 a fine.

19 (3) To act only upon the receipt of a written complaint
20 alleging a violation of this Act and not upon its own
21 prerogative.

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

25 (5) To subpoena witnesses and compel the production of
26 books and papers pertinent to an investigation authorized by
27 this Act.

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

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

32 (8) To prepare public information materials to
33 facilitate compliance, implementation, and enforcement of

1 this Act.

2 (9) To submit to each commissioner's respective
3 appointing authority or authorities an annual statistical
4 report for each year consisting of (i) the number of
5 complaints filed, (ii) the number of complaints deemed to
6 sufficiently allege a violation of this Act, (iii) the
7 recommendation, fine, or decision issued for each complaint,
8 (iv) the number of complaints resolved, and (v) the status of
9 pending complaints.

10 (10) To make rulings and issue advisory opinions in
11 connection with the implementation and interpretation of this
12 Act.

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

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

16 (5 ILCS 425/60)

17 Sec. 60. Complaint procedure.

18 (a) Complaints alleging the violation of this Act shall
19 be filed with the appropriate ethics commission as follows:

20 (1) If the complaint alleges a violation by an
21 officer or employee of the executive branch of State
22 government, then the complaint shall be filed, as
23 provided by rule, with the executive branch appropriate
24 ethics commission ~~within the executive branch.~~

25 (2) (Blank). ~~If the complaint alleges a violation~~
26 ~~by a judge or employee of the judicial branch of~~
27 ~~government, then the complaint shall be filed with the~~
28 ~~judicial ethics commission.~~

29 (3) If the complaint alleges a violation by a
30 member or employee of the legislative branch of State
31 government ~~or any employee not included within paragraphs~~
32 ~~(1) or (2)~~, then the complaint shall be filed, as
33 provided by rule, with the legislative ethics commission.

1 Any complaint received by or incident reported to a
2 member, officer, employee, judge, or governmental entity
3 alleging the violation of this Act shall be forwarded to the
4 appropriate commission. The complaint shall not be properly
5 filed until submitted to the appropriate commission.

6 (b) Within 3 business days after the receipt of an
7 ethics complaint, the commission shall send by certified
8 mail, return receipt requested, a notice to the respondent
9 that a complaint has been filed against him or her and a copy
10 of the complaint. The commission shall send by certified
11 mail, return receipt requested, a confirmation of the receipt
12 of the complaint to the complainant within 3 business days
13 after the submittal to the commission. The notices to the
14 respondent and the complainant shall also advise them of the
15 date, time, and place of the meeting on the sufficiency of
16 the complaint and probable cause.

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

1 the parties of the decision to dismiss the complaint, and
2 that notice shall be made public.

3 (d) On the scheduled date and upon at least 24 hours'
4 public notice of the meeting, the commission shall conduct a
5 closed meeting, either in person or by telephone, on the
6 complaint and allow both parties the opportunity to present
7 testimony and evidence.

8 (e) Within 6 weeks after the complaint's receipt, the
9 commission shall (i) dismiss the complaint or (ii) issue a
10 preliminary recommendation to the alleged violator and to the
11 violator's ultimate jurisdictional authority or impose a fine
12 upon the violator, or both. The particular findings in the
13 instant case, the preliminary recommendation, and any fine
14 shall be made public.

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

28 (g) If a complaint is filed during the 60 days preceding
29 the date of any election at which the respondent is a
30 candidate, the commission shall render its decision as
31 required under subsection (e) within 7 days after the
32 complaint is filed, and during the 7 days preceding that
33 election, the commission shall render such decision before
34 the date of that election, if possible.

1 (h) A commission may levy a fine of up to \$5,000 against
2 any person who knowingly files a frivolous complaint alleging
3 a violation of this Act.

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

6 (j) The parties to a proceeding under this Section may
7 agree to extend any of the deadlines imposed by this Section.

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

9 (5 ILCS 425/65)

10 Sec. 65. Enforcement.

11 (a) A commission may recommend to a person's ultimate
12 jurisdictional authority disciplinary action against the
13 person it determines to be in violation of this Act. The
14 recommendation may prescribe the following courses of action:

15 (1) A reprimand.

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

17 (3) A return or refund of money or other items, or
18 an amount of restitution for services, received in
19 violation of this Act.

20 (4) Dismissal, removal from office, impeachment, or
21 expulsion.

22 (5) Donation to a charity of an amount equal to the
23 gift.

24 (b) A commission may impose a fine of up to \$1,000 per
25 violation to be deposited into the General Revenue Fund.

26 (c) The ultimate jurisdictional authority of a person
27 who violates an ethics provision may take disciplinary action
28 against the person as recommended by a commission or as it
29 deems appropriate, to the extent it is constitutionally
30 permissible for the ultimate jurisdictional authority to take
31 that action. The ultimate jurisdictional authority shall make
32 its action, or determination to take no action, available to
33 the public.

1 (d) If after a hearing the commission finds no violation
2 of this Act, the commission shall dismiss the complaint.

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

4 (5 ILCS 425/70)

5 Sec. 70. Penalty. An individual who knowingly violates
6 this Act is guilty of a business offense and subject to a
7 fine of up to \$5,000.

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

9 (5 ILCS 425/75)

10 Sec. 75. Review. A commission's decision to dismiss a
11 complaint or its recommendation is not a final administrative
12 decision, but its imposition of a fine is a final
13 administrative decision subject to judicial review under the
14 Administrative Review Law of the Code of Civil Procedure.

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

16 (5 ILCS 425/80)

17 Sec. 80. Exemption. Documents generated by an ethics
18 officer under this Act are exempt from the provisions of the
19 Freedom of Information Act. Any complaint and related
20 documents filed with an ethics commission under Section 60
21 are exempt from the provisions of the Freedom of Information
22 Act so long as no finding of probable cause under subsection
23 (c) of Section 60 has been made by the commission with
24 respect to that complaint. Meetings of an ethics commission
25 under subsection (c) of Section 60 are exempt from the
26 provisions of the Open Meetings Act. ~~The--proceedings~~
27 ~~conducted-and-documents-generated-under-this-Act--are--exempt~~
28 ~~from--the-provisions-of-the-Open-Meetings-Act-and-the-Freedom~~
29 ~~of-Information-Act.~~

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

(5 ILCS 425/83)

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

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

(5 ILCS 425/85)

Sec. 85. Home rule preemption. (Blank). A-home-rule unit-may-not-regulate-the-prohibition-of--gifts--to--members, officers,--employees,--or--judges-or-the-enforcement-of-these provisions-in-a-manner--inconsistent--with--this--Act.---This Section--is-a-limitation-under-subsection-(i)-of-Section-6-of Article-VII-of-the-Illinois-Constitution--on--the--concurrent exercise-by-home-rule-units-of-powers-and-functions-exercised by-the-State.

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

(5 ILCS 425/95)

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

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

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

3 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

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

5 "Meeting" means any gathering of a majority of a quorum
6 of the members of a public body held for the purpose of
7 discussing public business.

8 "Public body" includes all legislative, executive,
9 administrative or advisory bodies of the State, counties,
10 townships, cities, villages, incorporated towns, school
11 districts and all other municipal corporations, boards,
12 bureaus, committees or commissions of this State, and any
13 subsidiary bodies of any of the foregoing including but not
14 limited to committees and subcommittees which are supported
15 in whole or in part by tax revenue, or which expend tax
16 revenue, except the General Assembly and committees or
17 commissions thereof. "Public body" includes tourism boards
18 and convention or civic center boards located in counties
19 that are contiguous to the Mississippi River with populations
20 of more than 250,000 but less than 300,000. "Public body"
21 includes the Health Facilities Planning Board. "Public body"
22 does not include a child death review team or the Illinois
23 Child Death Review Teams Executive Council established under
24 the Child Death Review Team Act or an ethics commission,
25 ~~ethics-officer, or ultimate jurisdictional authority~~ acting
26 under the State Gift Ban Act as provided by Section 80 of
27 that Act.

28 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

29 Section 15. The Freedom of Information Act is amended by
30 re-enacting Section 7 as follows:

31 (5 ILCS 140/7) (from Ch. 116, par. 207)

1 Sec. 7. Exemptions.

2 (1) The following shall be exempt from inspection and
3 copying:

4 (a) Information specifically prohibited from
5 disclosure by federal or State law or rules and
6 regulations adopted under federal or State law.

7 (b) Information that, if disclosed, would
8 constitute a clearly unwarranted invasion of personal
9 privacy, unless the disclosure is consented to in writing
10 by the individual subjects of the information. The
11 disclosure of information that bears on the public duties
12 of public employees and officials shall not be considered
13 an invasion of personal privacy. Information exempted
14 under this subsection (b) shall include but is not
15 limited to:

16 (i) files and personal information maintained
17 with respect to clients, patients, residents,
18 students or other individuals receiving social,
19 medical, educational, vocational, financial,
20 supervisory or custodial care or services directly
21 or indirectly from federal agencies or public
22 bodies;

23 (ii) personnel files and personal information
24 maintained with respect to employees, appointees or
25 elected officials of any public body or applicants
26 for those positions;

27 (iii) files and personal information
28 maintained with respect to any applicant, registrant
29 or licensee by any public body cooperating with or
30 engaged in professional or occupational
31 registration, licensure or discipline;

32 (iv) information required of any taxpayer in
33 connection with the assessment or collection of any
34 tax unless disclosure is otherwise required by State

1 statute; and

2 (v) information revealing the identity of
3 persons who file complaints with or provide
4 information to administrative, investigative, law
5 enforcement or penal agencies; provided, however,
6 that identification of witnesses to traffic
7 accidents, traffic accident reports, and rescue
8 reports may be provided by agencies of local
9 government, except in a case for which a criminal
10 investigation is ongoing, without constituting a
11 clearly unwarranted per se invasion of personal
12 privacy under this subsection.

13 (c) Records compiled by any public body for
14 administrative enforcement proceedings and any law
15 enforcement or correctional agency for law enforcement
16 purposes or for internal matters of a public body, but
17 only to the extent that disclosure would:

18 (i) interfere with pending or actually and
19 reasonably contemplated law enforcement proceedings
20 conducted by any law enforcement or correctional
21 agency;

22 (ii) interfere with pending administrative
23 enforcement proceedings conducted by any public
24 body;

25 (iii) deprive a person of a fair trial or an
26 impartial hearing;

27 (iv) unavoidably disclose the identity of a
28 confidential source or confidential information
29 furnished only by the confidential source;

30 (v) disclose unique or specialized
31 investigative techniques other than those generally
32 used and known or disclose internal documents of
33 correctional agencies related to detection,
34 observation or investigation of incidents of crime

1 or misconduct;

2 (vi) constitute an invasion of personal
3 privacy under subsection (b) of this Section;

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

6 (viii) obstruct an ongoing criminal
7 investigation.

8 (d) Criminal history record information maintained
9 by State or local criminal justice agencies, except the
10 following which shall be open for public inspection and
11 copying:

12 (i) chronologically maintained arrest
13 information, such as traditional arrest logs or
14 blotters;

15 (ii) the name of a person in the custody of a
16 law enforcement agency and the charges for which
17 that person is being held;

18 (iii) court records that are public;

19 (iv) records that are otherwise available
20 under State or local law; or

21 (v) records in which the requesting party is
22 the individual identified, except as provided under
23 part (vii) of paragraph (c) of subsection (1) of
24 this Section.

25 "Criminal history record information" means data
26 identifiable to an individual and consisting of
27 descriptions or notations of arrests, detentions,
28 indictments, informations, pre-trial proceedings, trials,
29 or other formal events in the criminal justice system or
30 descriptions or notations of criminal charges (including
31 criminal violations of local municipal ordinances) and
32 the nature of any disposition arising therefrom,
33 including sentencing, court or correctional supervision,
34 rehabilitation and release. The term does not apply to

1 statistical records and reports in which individuals are
2 not identified and from which their identities are not
3 ascertainable, or to information that is for criminal
4 investigative or intelligence purposes.

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

7 (f) Preliminary drafts, notes, recommendations,
8 memoranda and other records in which opinions are
9 expressed, or policies or actions are formulated, except
10 that a specific record or relevant portion of a record
11 shall not be exempt when the record is publicly cited and
12 identified by the head of the public body. The exemption
13 provided in this paragraph (f) extends to all those
14 records of officers and agencies of the General Assembly
15 that pertain to the preparation of legislative documents.

16 (g) Trade secrets and commercial or financial
17 information obtained from a person or business where the
18 trade secrets or information are proprietary, privileged
19 or confidential, or where disclosure of the trade secrets
20 or information may cause competitive harm, including all
21 information determined to be confidential under Section
22 4002 of the Technology Advancement and Development Act.
23 Nothing contained in this paragraph (g) shall be
24 construed to prevent a person or business from consenting
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or
27 agreement, including information which if it were
28 disclosed would frustrate procurement or give an
29 advantage to any person proposing to enter into a
30 contractor agreement with the body, until an award or
31 final selection is made. Information prepared by or for
32 the body in preparation of a bid solicitation shall be
33 exempt until an award or final selection is made.

34 (i) Valuable formulae, computer graphic systems,

1 designs, drawings and research data obtained or produced
2 by any public body when disclosure could reasonably be
3 expected to produce private gain or public loss.

4 (j) Test questions, scoring keys and other
5 examination data used to administer an academic
6 examination or determined the qualifications of an
7 applicant for a license or employment.

8 (k) Architects' plans and engineers' technical
9 submissions for projects not constructed or developed in
10 whole or in part with public funds and for projects
11 constructed or developed with public funds, to the extent
12 that disclosure would compromise security.

13 (l) Library circulation and order records
14 identifying library users with specific materials.

15 (m) Minutes of meetings of public bodies closed to
16 the public as provided in the Open Meetings Act until the
17 public body makes the minutes available to the public
18 under Section 2.06 of the Open Meetings Act.

19 (n) Communications between a public body and an
20 attorney or auditor representing the public body that
21 would not be subject to discovery in litigation, and
22 materials prepared or compiled by or for a public body in
23 anticipation of a criminal, civil or administrative
24 proceeding upon the request of an attorney advising the
25 public body, and materials prepared or compiled with
26 respect to internal audits of public bodies.

27 (o) Information received by a primary or secondary
28 school, college or university under its procedures for
29 the evaluation of faculty members by their academic
30 peers.

31 (p) Administrative or technical information
32 associated with automated data processing operations,
33 including but not limited to software, operating
34 protocols, computer program abstracts, file layouts,

1 source listings, object modules, load modules, user
2 guides, documentation pertaining to all logical and
3 physical design of computerized systems, employee
4 manuals, and any other information that, if disclosed,
5 would jeopardize the security of the system or its data
6 or the security of materials exempt under this Section.

7 (q) Documents or materials relating to collective
8 negotiating matters between public bodies and their
9 employees or representatives, except that any final
10 contract or agreement shall be subject to inspection and
11 copying.

12 (r) Drafts, notes, recommendations and memoranda
13 pertaining to the financing and marketing transactions of
14 the public body. The records of ownership, registration,
15 transfer, and exchange of municipal debt obligations, and
16 of persons to whom payment with respect to these
17 obligations is made.

18 (s) The records, documents and information relating
19 to real estate purchase negotiations until those
20 negotiations have been completed or otherwise terminated.
21 With regard to a parcel involved in a pending or actually
22 and reasonably contemplated eminent domain proceeding
23 under Article VII of the Code of Civil Procedure,
24 records, documents and information relating to that
25 parcel shall be exempt except as may be allowed under
26 discovery rules adopted by the Illinois Supreme Court.
27 The records, documents and information relating to a real
28 estate sale shall be exempt until a sale is consummated.

29 (t) Any and all proprietary information and records
30 related to the operation of an intergovernmental risk
31 management association or self-insurance pool or jointly
32 self-administered health and accident cooperative or
33 pool.

34 (u) Information concerning a university's

1 adjudication of student or employee grievance or
2 disciplinary cases, to the extent that disclosure would
3 reveal the identity of the student or employee and
4 information concerning any public body's adjudication of
5 student or employee grievances or disciplinary cases,
6 except for the final outcome of the cases.

7 (v) Course materials or research materials used by
8 faculty members.

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

11 (x) Information contained in or related to
12 examination, operating, or condition reports prepared by,
13 on behalf of, or for the use of a public body responsible
14 for the regulation or supervision of financial
15 institutions or insurance companies, unless disclosure is
16 otherwise required by State law.

17 (y) Information the disclosure of which is
18 restricted under Section 5-108 of the Public Utilities
19 Act.

20 (z) Manuals or instruction to staff that relate to
21 establishment or collection of liability for any State
22 tax or that relate to investigations by a public body to
23 determine violation of any criminal law.

24 (aa) Applications, related documents, and medical
25 records received by the Experimental Organ
26 Transplantation Procedures Board and any and all
27 documents or other records prepared by the Experimental
28 Organ Transplantation Procedures Board or its staff
29 relating to applications it has received.

30 (bb) Insurance or self insurance (including any
31 intergovernmental risk management association or self
32 insurance pool) claims, loss or risk management
33 information, records, data, advice or communications.

34 (cc) Information and records held by the Department

1 of Public Health and its authorized representatives
2 relating to known or suspected cases of sexually
3 transmissible disease or any information the disclosure
4 of which is restricted under the Illinois Sexually
5 Transmissible Disease Control Act.

6 (dd) Information the disclosure of which is
7 exempted under Section 30 of the Radon Industry Licensing
8 Act.

9 (ee) Firm performance evaluations under Section 55
10 of the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (ff) Security portions of system safety program
13 plans, investigation reports, surveys, schedules, lists,
14 data, or information compiled, collected, or prepared by
15 or for the Regional Transportation Authority under
16 Section 2.11 of the Regional Transportation Authority Act
17 or the St. Clair County Transit District under the
18 Bi-State Transit Safety Act.

19 (gg) Information the disclosure of which is
20 restricted and exempted under Section 50 of the Illinois
21 Prepaid Tuition Act.

22 (hh) Information the disclosure of which is
23 exempted under Section 80 of the State Gift Ban Act.

24 (ii) Beginning July 1, 1999, information that would
25 disclose or might lead to the disclosure of secret or
26 confidential information, codes, algorithms, programs, or
27 private keys intended to be used to create electronic or
28 digital signatures under the Electronic Commerce Security
29 Act.

30 (jj) Information contained in a local emergency
31 energy plan submitted to a municipality in accordance
32 with a local emergency energy plan ordinance that is
33 adopted under Section 11-21.5-5 of the Illinois Municipal
34 Code.

1 (kk) Information and data concerning the
2 distribution of surcharge moneys collected and remitted
3 by wireless carriers under the Wireless Emergency
4 Telephone Safety Act.

5 (2) This Section does not authorize withholding of
6 information or limit the availability of records to the
7 public, except as stated in this Section or otherwise
8 provided in this Act.

9 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;
10 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.
11 8-3-01; 92-281, eff. 8-7-01; revised 10-2-01.)

12 (5 ILCS 420/3-101 rep.)

13 Section 20. The Illinois Governmental Ethics Act is
14 amended by repealing Section 3-101.

15 Section 25. The Election Code is amended by re-enacting
16 Sections 9-1.7, 9-1.8, 9-1.9, 9-1.12, 9-6, 9-7.5, 9-11, 9-12,
17 9-13, 9-14, 9-26, and 9-28, and by re-enacting and changing
18 Sections 9-3, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23, and 9-27.5
19 and by adding Sections 9-8.5, 9-8.7, and 9-25.2 as follows:

20 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

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

25 (a) accepts contributions or grants or makes
26 expenditures during any 12-month period in an aggregate
27 amount exceeding \$3,000 on behalf of or in opposition to
28 a candidate or candidates for public office who are
29 required by the Illinois Governmental Ethics Act to file
30 statements of economic interests with the county clerk,
31 or on behalf of or in opposition to a candidate or

1 candidates for election to the office of ward or township
2 committeeman in counties of 3,000,000 or more population;

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

8 (c) accepts contributions or makes expenditures
9 during any 12-month period in an aggregate amount
10 exceeding \$3,000 and has as its primary purpose the
11 furtherance of governmental, political or social values,
12 is organized on a not-for-profit basis, and which
13 publicly endorses or publicly opposes a candidate or
14 candidates for public office who are required by the
15 Illinois Governmental Ethics Act to file statements of
16 economic interest with the County Clerk or a candidate or
17 candidates for the office of ward or township
18 committeeman in counties of 3,000,000 or more population.

19 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

20 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

21 Sec. 9-1.8. "State political committee" means the
22 candidate himself or any individual, trust, partnership,
23 committee, association, corporation, or any other
24 organization or group of persons which--

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

31 (b) accepts contributions or makes expenditures during
32 any 12-month period in an aggregate amount exceeding \$3,000
33 in support of or in opposition to any question of public

1 policy to be submitted to the electors of an area
2 encompassing more than one county, or

3 (c) accepts contributions or makes expenditures during
4 any 12-month period in an aggregate amount exceeding \$3,000
5 and has as its primary purpose the furtherance of
6 governmental, political or social values, is organized on a
7 not-for-profit basis, and which publicly endorses or publicly
8 opposes a candidate or candidates for public office who are
9 required by the Illinois Governmental Ethics Act to file
10 statements of economic interest with the Secretary of State.
11 (Source: P.A. 90-737, eff. 1-1-99.)

12 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

13 Sec. 9-1.9. "Political committee" includes State central
14 and county central committees of any political party, and
15 also includes local political committees and state political
16 committees, but does not include any candidate who does not
17 accept contributions or make expenditures during any 12-month
18 period in an aggregate amount exceeding \$3,000, nor does it
19 include, with the exception of State central and county
20 central committees of any political party, any individual,
21 trust, partnership, committee, association, corporation, or
22 any other organization or group of persons which does not
23 accept contributions or make expenditures during any 12-month
24 period in an aggregate amount exceeding \$3,000 on behalf of
25 or in opposition to a candidate or candidates or to any
26 question of public policy, and such candidates and persons
27 shall not be required to comply with any filing provisions in
28 this Article.

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

30 (10 ILCS 5/9-1.12) (from Ch. 46, par. 9-1.12)

31 Sec. 9-1.12. Anything of value includes all things,
32 services, or goods, regardless of whether they may be valued

1 in monetary terms according to ascertainable market value.
2 Anything of value which does not have an ascertainable market
3 value must be reported by describing the thing, services, or
4 goods contributed and by using the contributor's certified
5 market value required under Section 9-6.

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

7 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

8 Sec. 9-3. Every state political committee and every
9 local political committee shall file with the State Board of
10 Elections, and every local political committee shall file
11 with the county clerk, a statement of organization within 10
12 business days of the creation of such committee, except any
13 political committee created within the 30 days before an
14 election shall file a statement of organization within 5
15 business days. A political committee that acts as both a
16 state political committee and a local political committee
17 shall file a copy of each statement of organization with the
18 State Board of Elections and the county clerk.

19 The statement of organization shall include -

20 (a) the name and address of the political committee (the
21 name of the political committee must include the name of any
22 sponsoring entity);

23 (b) the scope, area of activity, party affiliation,
24 candidate affiliation and his county of residence, and
25 purposes of the political committee;

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

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

31 (e) (Blank);

32 (f) a statement of what specific disposition of residual
33 fund will be made in the event of the dissolution or

1 termination of the committee;

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

5 (h) the amount of funds available for campaign
6 expenditures as of the filing date of the committee's
7 statement of organization.

8 A political committee that acts as either (i) a state and
9 local political committee or (ii) a local political committee
10 and that files reports electronically under Section 9-28 is
11 not required to file a statement of organization with the
12 appropriate county clerk if the county clerk has a system
13 that permits access to, and duplication of, statements that
14 are filed with the State Board of Elections.

15 For purposes of this Section, a "sponsoring entity" is
16 (i) any person, political committee, organization,
17 corporation, or association that contributes at least 33% of
18 the total funding of the political committee or (ii) any
19 person or other entity that is registered or is required to
20 register under the Lobbyist Registration Act and contributes
21 at least 33% of the total funding of the political committee.
22 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

23 (10 ILCS 5/9-6) (from Ch. 46, par. 9-6)

24 Sec. 9-6. Accounting for contributions.

25 (a) Every person who receives a contribution in excess
26 of \$20 for a political committee shall, on demand of the
27 treasurer, and in any event within 5 days after receipt of
28 such contribution, render to the treasurer a detailed account
29 thereof, including the amount, the name and address of the
30 person making such contribution, and the date on which it was
31 received.

32 (b) Within 5 business days of contributing goods or
33 services of more than \$50 value to a political committee, the

1 contributor shall certify the value of the contribution to
2 the political committee on forms prescribed by the State
3 Board of Elections. The forms shall include the name and
4 address of the contributor, a description and market value of
5 the goods or services, and the date on which the contribution
6 was made.

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

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

11 (10 ILCS 5/9-7.5)

12 Sec. 9-7.5. Nonprofit organization registration and
13 disclosure.

14 (a) Each nonprofit organization, except for a labor
15 union (i) registered under the Lobbyist Registration Act or
16 for which lobbying is undertaken by persons registered under
17 that Act, (ii) that has not established a political
18 committee, and (iii) that accepts contributions or makes
19 expenditures during any 12-month period in an aggregate
20 amount exceeding \$5,000 (I) on behalf of or in opposition to
21 public officials, candidates for public office, or a question
22 of public policy and (II) for the purpose of influencing
23 legislative, executive, or administrative action as defined
24 in the Lobbyist Registration Act shall register with the
25 State Board of Elections. The Board by rule shall prescribe
26 the registration procedure and form. The registration form
27 shall require the following information:

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

29 (2) The name, address, and position of each
30 custodian of the registrant's financial books, accounts,
31 and records.

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

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

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

6 (2) The amount of funds on hand at the beginning of
7 the reporting period.

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

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

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

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

30 (7) Each loan to or from any person within the
31 reporting period by or to the organization in an
32 aggregate amount or value in excess of \$150, together
33 with the full names and mailing addresses of the lender
34 and endorsers, if any, and the date and amount of the

1 loans, and if a lender or endorser is an individual who
2 loaned or endorsed a loan of more than \$500, the
3 occupation and employer of the individual or, if the
4 occupation and employer of the individual are unknown, a
5 statement that the organization has made a good faith
6 effort to ascertain this information.

7 (8) The total amount of proceeds received by the
8 organization from (i) the sale of tickets for each
9 dinner, luncheon, cocktail party, rally, and other
10 fundraising event, (ii) mass collections made at those
11 events, and (iii) sales of items such as buttons, badges,
12 flags, emblems, hats, banners, literature, and similar
13 materials.

14 (9) Each contribution, rebate, refund, or other
15 receipt in excess of \$150 received by the organization
16 not otherwise listed under items (3) through (8), and if
17 a contributor is an individual who contributed more than
18 \$500, the occupation and employer of the contributor or,
19 if the occupation and employer of the contributor are
20 unknown, a statement that the organization has made a
21 good faith effort to ascertain this information.

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

24 (11) The full name and mailing address of each
25 person to whom expenditures have been made by the
26 organization within the reporting period in an aggregate
27 amount or value in excess of \$150, the amount, date, and
28 purpose of each expenditure, and the question of public
29 policy on behalf of which the expenditure was made.

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

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

3 (14) The full name and mailing address of each
4 person to whom the organization owes debts or obligations
5 in excess of \$150 and the amount of the debts or
6 obligations.

7 The State Board by rule shall define a "good faith
8 effort".

9 (c) The reports required under subsection (b) shall be
10 filed at the same times and for the same reporting periods as
11 reports of campaign contributions and semi-annual reports of
12 campaign contributions and expenditures required by this
13 Article of political committees. The reports required under
14 subsection (b) shall be available for public inspection and
15 copying in the same manner as reports filed by political
16 committees. The Board may charge a fee that covers the costs
17 of copying and distribution, if any.

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

21 "A copy of our report filed with the State Board of
22 Elections is (or will be) available for purchase from the
23 State Board of Elections, Springfield, Illinois".

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

25 (10 ILCS 5/9-8.5 new)

26 Sec. 9-8.5. Prohibited solicitations by certain State
27 officials, employees, and appointees. An executive branch
28 constitutional officer, his or her employees, or a candidate
29 in a general primary election or general election for that
30 constitutional office may not knowingly solicit contributions
31 from that constitutional officer's employees, regardless of
32 the time, place, or manner of solicitation.

33 For the purpose of this Section: executive branch

1 constitutional officer means the Governor, Lieutenant
 2 Governor, Secretary of State, Attorney General, State
 3 Treasurer, and State Comptroller; and employee means a
 4 full-time or part-time salaried employee or a salaried
 5 appointee of any office, board, commission, agency,
 6 department, authority, administrative unit, or corporate
 7 outgrowth under the jurisdiction of the applicable officer or
 8 entity.

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

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

17 (10 ILCS 5/9-8.7 new)

18 Sec. 9-8.7. Prohibited offer or promise. An executive
 19 branch constitutional officer, an employee of an executive
 20 branch constitutional officer, or a candidate in a general
 21 primary election or general election for an executive branch
 22 constitutional office may not promise anything of value,
 23 including but not limited to positions in State government,
 24 promotions, salary increases, or preferential treatment of
 25 any type, in return for a contribution to a political
 26 committee, political party, or other entity that has as one
 27 of its purposes the financial support of a candidate for
 28 elective office.

29 For the purpose of this Section: executive branch
 30 constitutional officer means the Governor, Lieutenant
 31 Governor, Secretary of State, Attorney General, State
 32 Treasurer, and State Comptroller; and employee means a
 33 full-time or part-time salaried employee or a salaried

1 appointee of any office, board, commission, agency,
2 department, authority, administrative unit, or corporate
3 outgrowth under the jurisdiction of the applicable officer or
4 entity.

5 Violation of this Section constitutes grounds for
6 disciplinary action, including discharge, against the
7 offending officer or employee to the extent permissible under
8 the Illinois Constitution. In the case of an executive
9 branch constitutional officer, violation of this Section may
10 constitute grounds for his or her impeachment.

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

13 (10 ILCS 5/9-8.10)

14 Sec. 9-8.10. Use of political committee and other
15 reporting organization funds.

16 (a) The funds of (i) a political committee controlled by
17 an officeholder or by a candidate or (ii) an organization
18 subject to Section 9-7.5 may be used only for:

19 (1) Expenditures that would not be included in base
20 income under Section 203 of the Illinois Income Tax Act
21 and the regulations promulgated under that Section.

22 (2) Defraying the ordinary and necessary expenses
23 of an officeholder or candidate. For the purposes of
24 this paragraph (2), "ordinary and necessary expenses"
25 include, but are not limited to, expenses in relation to
26 the operation of the district office of a member of the
27 General Assembly.

28 (3) Donations to organizations exempt from taxation
29 under Section 170(c) of the Internal Revenue Code.

30 (4) Transfers to any national, State, or local
31 political committee, subject to the laws governing that
32 political committee. A---political---committee,---or
33 organization-subject-to-Section--9-7.5,--shall--not--make

1 expenditures:

2 (1) In violation of any law of the United States or
3 of this State.

4 (2) Clearly in excess of the fair market value of
5 the services, materials, facilities, or other things of
6 value received in exchange.

7 (3) For satisfaction or repayment of any debts
8 other than loans made to the committee or to the public
9 official or candidate on behalf of the committee or
10 repayment of goods and services purchased by the
11 committee under a credit agreement. Nothing in this
12 Section authorizes the use of campaign funds to repay
13 personal loans. The repayments shall be made by check
14 written to the person who made the loan or credit
15 agreement. The terms and conditions of any loan or
16 credit agreement to a committee shall be set forth in a
17 written agreement, including but not limited to the
18 method and amount of repayment, that shall be executed by
19 the chairman or treasurer of the committee at the time of
20 the loan or credit agreement. The loan or agreement
21 shall also set forth the rate of interest for the loan,
22 if any, which may not substantially exceed the prevailing
23 market interest rate at the time the agreement is
24 executed.

25 (4) For the satisfaction or repayment of any debts
26 or for the payment of any expenses relating to a personal
27 residence. Campaign funds may not be used as collateral
28 for home mortgages.

29 (5) For clothing or personal laundry expenses,
30 except clothing items rented by the public official or
31 candidate for his or her own use exclusively for a
32 specific campaign-related event, provided that committees
33 may purchase costumes, novelty items, or other
34 accessories worn primarily to advertise the candidacy.

1 (6) For the travel expenses of any person unless
2 the travel is necessary for fulfillment of political,
3 governmental, or public policy duties, activities, or
4 purposes.

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

11 (8) In payment for anything of value or for
12 reimbursement of any expenditure for which any person has
13 been reimbursed by the State or any person. For purposes
14 of this item (8), a per diem allowance is not a
15 reimbursement.

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

33 (10) Directly for an individual's tuition or other
34 educational expenses, except for governmental or

1 political--purposes--directly-related-to-a-candidate's-or
2 public-official's-duties-and-responsibilities.

3 (11)--For-payments-to-a-public-official-or-candidate
4 or-his-or-her-family-member-unless-for--compensation--for
5 services-actually-rendered-by-that-person.

6 The provisions of this Section item-(11) do not apply to
7 expenditures by a political committee in an aggregate amount
8 not exceeding the amount of funds reported to and certified
9 by the State Board or county clerk as available as of June
10 30, 1998, in the semi-annual report of contributions and
11 expenditures filed by the political committee for the period
12 concluding June 30, 1998.

13 (b) The Board shall have the authority to investigate,
14 upon receipt of a verified complaint, violations of the
15 provisions of this Section. The Board may levy a fine on any
16 person who knowingly makes expenditures in violation of this
17 Section and on any person who knowingly makes a malicious and
18 false accusation of a violation of this Section. The Board
19 may act under this subsection only upon the affirmative vote
20 of at least 5 of its members. The fine shall not exceed \$500
21 for each expenditure of \$500 or less and shall not exceed the
22 amount of the expenditure plus \$500 for each expenditure
23 greater than \$500. The Board shall also have the authority
24 to render rulings and issue opinions relating to compliance
25 with this Section.

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

27 (10 ILCS 5/9-8.15)

28 Sec. 9-8.15. Contributions on State property.
29 Contributions shall not be knowingly solicited, offered, or
30 accepted on--a--face-to-face--basis by public officials or
31 employees or by candidates on State property except as
32 provided in this Section.

33 Contributions may be solicited, offered, or accepted on

1 State property on-a-face-to-face-basis by public officials or
2 employees or by candidates at a fundraising event for which
3 the State property is leased or rented.

4 Anyone who knowingly solicits, offers, or accepts
5 contributions on State property in violation of this Section
6 is guilty of a business offense subject to a fine of \$5,000,
7 except that for contributions solicited, offered, or accepted
8 for State officers and candidates and political committees
9 formed for statewide office, the fine shall not exceed
10 \$10,000. For the purpose of this Section, "statewide office"
11 and "State officer" means the Governor, Lieutenant Governor,
12 Attorney General, Secretary of State, Comptroller, and
13 Treasurer.

14 The provisions of this Section do not apply to the
15 residences of State officers.

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

17 (10 ILCS 5/9-9.5)

18 Sec. 9-9.5. Disclosure on political literature. (Blank).
19 Any-pamphlet,--circular,--handbill,--advertisement,--or--other
20 political-literature-that--supports--or--opposes--any--public
21 official,--candidate-for-public-office,--or-question-of-public
22 policy,--or-that--would--have--the--effect--of--supporting--or
23 opposing-any-public-official,--candidate-for-public-office,--or
24 question--of--public--policy,--shall--contain-the-name-of-the
25 individual-or-organization--that--authorized,--caused--to--be
26 authorized,--paid--for,--caused-to-be-paid-for,--or-distributed
27 the-pamphlet,--circular,--handbill,--advertisement,--or--other
28 political--literature.--If--the--individual--or--organization
29 includes--an--address,--it--must--be--an--actual--personal-or
30 business-address-of-the-individual-or-business-address-of-the
31 organization.

32 This-Section-does-not-apply-to-items,--the-size--of--which
33 is-not-sufficient-to-contain-the-required-disclosure.

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

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

3 Sec. 9-10. Financial reports.

4 (a) The treasurer of every state political committee and
5 the treasurer of every local political committee shall file
6 with the Board, and the treasurer of every local political
7 committee shall file with the county clerk, reports of
8 campaign contributions, and semi-annual reports of campaign
9 contributions and expenditures on forms to be prescribed or
10 approved by the Board. The treasurer of every political
11 committee that acts as both a state political committee and a
12 local political committee shall file a copy of each report
13 with the State Board of Elections and the county clerk.
14 Entities subject to Section 9-7.5 shall file reports required
15 by that Section at times provided in this Section and are
16 subject to the penalties provided in this Section.

17 (b) Reports of campaign contributions shall be filed no
18 later than the 15th day next preceding each election
19 including a primary election in connection with which the
20 political committee has accepted or is accepting
21 contributions or has made or is making expenditures. Such
22 reports shall be complete as of the 30th day next preceding
23 each election including a primary election. The Board shall
24 assess a civil penalty not to exceed \$5,000 for a violation
25 of this subsection, except that for State officers and
26 candidates and political committees formed for statewide
27 office, the civil penalty may not exceed \$10,000. The fine,
28 however, shall not exceed \$500 for a first filing violation
29 for filing less than 10 days after the deadline. There shall
30 be no fine if the report is mailed and postmarked at least 72
31 hours prior to the filing deadline. For the purpose of this
32 subsection, "statewide office" and "State officer" means the
33 Governor, Lieutenant Governor, Attorney General, Secretary of

1 State, Comptroller, and Treasurer. However, a continuing
 2 political committee that neither accepts contributions nor
 3 makes expenditures on behalf of or in opposition to any
 4 candidate or public question on the ballot at an election
 5 shall not be required to file the reports heretofore
 6 prescribed but may file in lieu thereof a Statement of
 7 Nonparticipation in the Election with the Board or the Board
 8 and the county clerk.

9 (b-5) Notwithstanding the provisions of subsection (b),
 10 any contribution of \$500 or more received in the interim
 11 between the last date of the period covered by the last
 12 report filed under subsection (b) prior to the election and
 13 the date of the election shall be reported within 5 2
 14 business days after its receipt. The State Board shall allow
 15 filings under this subsection (b-5) to be made by facsimile
 16 transmission. For the purpose of this subsection, a
 17 contribution is considered received on the date the public
 18 official, candidate, or political committee (or equivalent
 19 person in the case of a reporting entity other than a
 20 political committee) actually receives it or, in the case of
 21 goods or services, 5 2 days after the date the public
 22 official, candidate, committee, or other reporting entity
 23 receives the certification required under subsection (b) of
 24 Section 9-6. Failure to report each contribution is a
 25 separate violation of this subsection. The Board may ~~shall~~
 26 impose fines for violations of this subsection as follows:

27 (1) For the first violation of this subsection, not
 28 more than \$500.

29 (2) For a second or subsequent violation of this
 30 subsection, not more than \$1,000.

31 ~~(1) --if-the-political-committee's-or-other-reporting~~
 32 ~~entity's--total-receipts,-total-expenditures,-and-balance~~
 33 ~~remaining-at-the-end-of-the-last--reporting--period--were~~
 34 ~~each--\$5,000--or-less,-then-\$100-per-business-day-for-the~~

1 first-violation, \$200-per-business-day-for-the-second
 2 violation, and \$300-per-business-day-for-the-third-and
 3 subsequent-violations.

4 (2) if-the-political-committee's-or-other-reporting
 5 entity's-total-receipts, total-expenditures, and-balance
 6 remaining-at-the-end-of-the-last-reporting-period-were
 7 each-more-than-\$5,000, then-\$200-per-business-day-for-the
 8 first-violation, \$400-per-business-day-for-the-second
 9 violation, and-\$600-per-business-day-for-the-third-and
 10 subsequent-violations.

11 (c) In addition to such reports the treasurer of every
 12 political committee shall file semi-annual reports of
 13 campaign contributions and expenditures no later than July
 14 31st, covering the period from January 1st through June 30th
 15 immediately preceding, and no later than January 31st,
 16 covering the period from July 1st through December 31st of
 17 the preceding calendar year. Reports of contributions and
 18 expenditures must be filed to cover the prescribed time
 19 periods even though no contributions or expenditures may have
 20 been received or made during the period. The Board shall
 21 assess a civil penalty not to exceed \$5,000 for a violation
 22 of this subsection, except that for State officers and
 23 candidates and political committees formed for statewide
 24 office, the civil penalty may not exceed \$10,000. The fine,
 25 however, shall not exceed \$500 for a first filing violation
 26 for filing less than 10 days after the deadline. There shall
 27 be no fine if the report is mailed and postmarked at least 72
 28 hours prior to the filing deadline. For the purpose of this
 29 subsection, "statewide office" and "State officer" means the
 30 Governor, Lieutenant Governor, Attorney General, Secretary of
 31 State, Comptroller, and Treasurer.

32 (c-5) A political committee that acts as either (i) a
 33 state and local political committee or (ii) a local political
 34 committee and that files reports electronically under Section

1 9-28 is not required to file copies of the reports with the
2 appropriate county clerk, if the county clerk has a system
3 that permits access to, and duplication of, reports that are
4 filed with the State Board of Elections.

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

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

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

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

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

13 (2) (Blank);

14 (3) the amount of funds on hand at the beginning of the
15 reporting period;

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

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

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

33 (7) the total sum of transfers made to or from such

1 committee during the reporting period and not reported under
2 item (6);

3 (8) each loan to or from any person within the reporting
4 period by or to such committee in an aggregate amount or
5 value in excess of \$150, together with the full names and
6 mailing addresses of the lender and endorsers, if any, and
7 the date and amount of such loans, and if a lender or
8 endorser is an individual who loaned or endorsed a loan of
9 more than \$500, the occupation and employer of that
10 individual, or if the occupation and employer of the
11 individual are unknown, a statement that the committee has
12 made a good faith effort to ascertain this information;

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

20 (10) each contribution, rebate, refund, or other receipt
21 in excess of \$150 received by such committee not otherwise
22 listed under items (4) through (9), and if a contributor is
23 an individual who contributed more than \$500, the occupation
24 and employer of the contributor or, if the occupation and
25 employer of the contributor are unknown, a statement that the
26 committee has made a good faith effort to ascertain this
27 information;

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

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

31 The reports of campaign contributions filed under this
32 Article shall be cumulative during the reporting period to
33 which they relate.

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

1 (10 ILCS 5/9-12) (from Ch. 46, par. 9-12)

2 Sec. 9-12. Each report of campaign contributions
3 required by Section 9-10 of this Article to be filed with the
4 Board or the Board and the county clerk shall be verified,
5 dated, and signed by either the treasurer of the political
6 committee making the report or the candidate on whose behalf
7 the report is made, and shall contain substantially the
8 following:

9 REPORT OF CAMPAIGN CONTRIBUTIONS

10 (1) name and address of the political committee:
11

12 (2) the date of the beginning of the reporting period, and
13 the amount of funds on hand at the beginning of the reporting
14 period:

15

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

25	name	address	amount	date	occupation	employer
26
27
28
29
30

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

34

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

6	name	address	amount	date
7
8
9

10 (6) the total sum of transfers made to or from such
 11 committee during the reporting period and not under item (5):
 12

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

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

- 29 (a).....
- 30 (b).....
- 31 (c).....

32 (9) each contribution, rebate, refund, or other receipt in
 33 excess of \$150 received by the committee not otherwise listed
 34 under items (3) through (8), and if the contributor is an

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

6	name	address	amount	date	occupation	employer
7
8

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

11

12 VERIFICATION:

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

20

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

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

23 (10 ILCS 5/9-13) (from Ch. 46, par. 9-13)

24 Sec. 9-13. Each semi-annual report of campaign
25 contributions and expenditures under Section 9-10 shall
26 disclose-

- 27 (1) the name and address of the political committee;
- 28 (2) (Blank);
- 29 (3) the amount of funds on hand at the beginning of the
30 reporting period;
- 31 (4) the full name and mailing address of each person who
32 has made one or more contributions to or for such committee
33 within the reporting period in an aggregate amount or value

1 in excess of \$150, together with the amount and date of such
2 contributions, and if the contributor is an individual who
3 contributed more than \$500, the occupation and employer of
4 the contributor or, if the occupation and employer of the
5 contributor are unknown, a statement that the committee has
6 made a good faith effort to ascertain this information;

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

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

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

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

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

1 (10) each contribution, rebate, refund, or other receipt
2 in excess of \$150 received by such committee not otherwise
3 listed under items (4) through (9), and if the contributor is
4 an individual who contributed more than \$500, the occupation
5 and employer of the contributor or, if the occupation and
6 employer of the contributor are unknown, a statement that the
7 committee has made a good faith effort to ascertain this
8 information;

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

11 (12) the full name and mailing address of each person to
12 whom expenditures have been made by such committee or
13 candidate within the reporting period in an aggregate amount
14 or value in excess of \$150, the amount, date, and purpose of
15 each such expenditure and the question of public policy or
16 the name and address of, and office sought by, each candidate
17 on whose behalf such expenditure was made;

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

23 (14) the total sum of expenditures made by such
24 committee during the reporting period;

25 (15) the full name and mailing address of each person to
26 whom the committee owes debts or obligations in excess of
27 \$150, and the amount of such debts or obligations.

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

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

30 (10 ILCS 5/9-14) (from Ch. 46, par. 9-14)

31 Sec. 9-14. Each semi-annual report of campaign
32 contributions and expenditures required by Section 9-10 of
33 this Article to be filed with the Board or the Board and the

1 county clerk shall be verified, dated, and signed by either
2 the treasurer of the political committee making the report or
3 the candidate on whose behalf the report is made, and shall
4 contain substantially the following:

5 SEMI-ANNUAL REPORT OF CAMPAIGN
6 CONTRIBUTIONS AND EXPENDITURES

7 (1) name and address of the political committee:

8

9 (2) the date of the beginning of the reporting period, and
10 the amount of funds on hand at the beginning of the reporting
11 period;

12

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

22	name	address	amount	date	occupation	employer
23
24
25
26
27

28 (4) the total sum of individual contributions made to or for
29 the committee during the reporting period and not reported
30 under item--(3):

31

32 (5) the name and address of each political committee from
33 which the reporting committee received, or to which that
34 committee made, any transfer of funds, in an aggregate amount

1 or value in excess of \$150, together with the amounts and
2 dates of all transfers:

3	name	address	amount	date
4
5
6

7 (6) the total sum of transfers made to or from such
8 committee during the reporting period and not reported under
9 item (5);

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

20	name	address	amount	date	endorsers	occupation	employer
21
22
23

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

- 30 (a).....
- 31 (b).....
- 32 (c).....

33 (9) each contribution, rebate, refund, or other receipt in
34 excess of \$150 received by the committee not otherwise listed

1 under items (3) through (8), and if a contributor is an
 2 individual who contributed more than \$500, the occupation and
 3 employer of each contributor or, if the occupation and
 4 employer of the contributor are unknown, a statement that the
 5 committee has made a good faith effort to ascertain this
 6 information:

7	name	address	amount	date	endorsers	occupation	employer
8
9
10

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

13

14 (11) the full name and mailing address of each person to
 15 whom expenditures have been made by the committee within the
 16 reporting period in an aggregate amount or value in excess of
 17 \$150, the amount, date, and purpose of each such expenditure,
 18 and the question of public policy or the name and address of,
 19 and office sought by, each candidate on whose behalf the
 20 expenditure was made:

21	name	address	amount	date	purpose	beneficiary
22
23
24
25
26

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

32	name	address	amount	date	purpose
33
34

1
 2 (13) the total sum of expenditures made by the committee
 3 during the reporting period;

4
 5 (14) the full name and mailing address of each person to
 6 whom the committee owes debts or obligations in excess of
 7 \$150, and the amount of such debts or obligations:

8
 9

10 VERIFICATION:

11 "I declare that this semi-annual report of campaign
 12 contributions and expenditures (including any accompanying
 13 schedules and statements) has been examined by me and to the
 14 best of my knowledge and belief is a true, correct and
 15 complete report as required by Article 9 of The Election
 16 Code. I understand that willfully filing a false or
 17 incomplete report is a business offense subject to a fine of
 18 up to \$5,000."

19
 20 (date of filing) (signature of person making the report)
 21 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

22 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)
 23 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
 24 has issued an order, or has approved a written stipulation,
 25 agreed settlement or consent order, directing a person
 26 determined by the Board to be in violation of any provision
 27 of this Article or any regulation adopted thereunder, to
 28 cease or correct such violation or otherwise comply with this
 29 Article and such person fails or refuses to comply with such
 30 order, stipulation, settlement or consent order within the
 31 time specified by the Board, the Board, after affording
 32 notice and an opportunity for a public hearing, may impose a
 33 civil penalty on such person in an amount not to exceed

1 \$5,000; except that for State officers and candidates and
 2 political committees formed for statewide office, the civil
 3 penalty may not exceed \$10,000. For the purpose of this
 4 Section, "statewide office" and "State officer" means the
 5 Governor, Lieutenant Governor, Attorney General, Secretary of
 6 State, Comptroller, and Treasurer.

7 Civil penalties imposed on any such person by the Board
 8 shall be enforceable in the Circuit Court. The Board shall
 9 petition the Court for an order to enforce collection of the
 10 penalty and, if the Court finds it has jurisdiction over the
 11 person against whom the penalty was imposed, the Court shall
 12 issue the appropriate order. Any civil penalties collected
 13 by the Court shall be forwarded to the State Treasurer.

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

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

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

23 (10 ILCS 5/9-25.2 new)

24 Sec. 9-25.2. Contributions; candidate or treasurer of
 25 political committee.

26 (a) No candidate may knowingly receive any contribution
 27 solicited or received in violation of Section 33-3.1 of the
 28 Criminal Code of 1961.

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

31 The appropriate State's Attorney or the Attorney General
 32 shall bring actions in the name of the people of the State of
 33 Illinois.

1 (c) Any contribution solicited in violation of Section
2 33-3.1 of the Criminal Code of 1961 shall escheat to the
3 State of Illinois. Any candidate or political committee that
4 receives a contribution prohibited by this Section shall
5 forward it immediately to the State Treasurer.

6 (10 ILCS 5/9-26) (from Ch. 46, par. 9-26)

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

11 Willful filing of a false complaint under this Article
12 shall constitute a Class B misdemeanor.

13 A prosecution for any offense designated by this Article
14 shall be commenced no later than 18 months after the
15 commission of the offense.

16 The appropriate State's Attorney or the Attorney General
17 shall bring such actions in the name of the people of the
18 State of Illinois.

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

20 (10 ILCS 5/9-27.5)

21 Sec. 9-27.5. Fundraising in or within 50 miles of the
22 State Capitol building Springfield. Except as provided in
23 this Section, any executive branch constitutional officer,
24 any candidate for an executive branch constitutional office,
25 any member of the General Assembly, any candidate for the
26 General Assembly, any political caucus of the General
27 Assembly, or any political committee on behalf of any of the
28 foregoing may not hold a fundraising function in or within 50
29 miles of the State Capitol building Springfield on any day
30 the legislature is in session (i) during the period beginning
31 90 days before the later of the dates scheduled by either
32 house of the General Assembly for the adjournment of the

1 spring session and ending on the later of the actual
2 adjournment dates of either house of the spring session and
3 (ii) during fall veto session. For purposes of this Section,
4 the legislature is not considered to be in session on a day
5 that is solely a perfunctory session day or on a day when
6 only a committee is meeting.

7 This Section does not apply to members and political
8 committees of members of the General Assembly whose districts
9 are located, in whole or in part, in or within 50 miles of
10 the State Capitol building Springfield and candidates and
11 political committees of candidates for the General Assembly
12 from districts located, in whole or in part, in or within 50
13 miles of the State Capitol building Springfield, provided
14 that the fundraising function takes place within the member's
15 or candidate's district.

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

17 (10 ILCS 5/9-28)

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

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

28 Beginning July 1, 2003, electronic filing is required for
29 all political committees that during the reporting period (i)
30 had at any time a balance or an accumulation of contributions
31 of \$10,000 or more, (ii) made aggregate expenditures of
32 \$10,000 or more, or (iii) received loans of an aggregate of
33 \$10,000 or more.

1 The Board may provide by rule for the optional electronic
2 filing of expenditure and contribution reports for all other
3 political committees. The Board shall promptly make all
4 reports filed under this Article by all political committees
5 publicly available by means of a searchable database that is
6 accessible through the World Wide Web.

7 The Board shall provide all software necessary to comply
8 with this Section to candidates, public officials, political
9 committees, and election authorities.

10 The Board shall implement a plan to provide computer
11 access and assistance to candidates, public officials,
12 political committees, and election authorities with respect
13 to electronic filings required under this Article.

14 For the purposes of this Section, "political committees"
15 includes entities required to report to the Board under
16 Section 9-7.5.

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

18 (10 ILCS 5/29-14 rep.)

19 Section 30. The Election Code is amended by repealing
20 Section 29-14.

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

23 (25 ILCS 170/6.5)

24 Sec. 6.5. Response to report by official.

25 (a) Every person required to register as prescribed in
26 Section 3 and required to file a report with the Secretary of
27 State as prescribed in Section 6 shall, at least 25 days
28 before the deadline for filing the report, provide a copy of
29 the report to each official listed in the report by first
30 class mail or hand delivery. An official may, within 10 days
31 after receiving the copy of the report, provide written

1 objections to the report by first class mail or hand delivery
2 to the person required to file the report. If those written
3 objections conflict with the final report that is filed, the
4 written objections shall be filed along with the report.

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

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

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

11 (30 ILCS 500/50-30)

12 Sec. 50-30. Revolving door prohibition. No former State
13 officer or State employee may, within a period of 2 years
14 immediately after termination of State employment, accept
15 employment or receive compensation from an employer if:

16 (1) The officer or employee, during the 2 years
17 immediately preceding termination of State employment, was
18 engaged in the negotiation or administration on behalf of the
19 State or agency of one or more contracts with that employer
20 and was in a position to make discretionary decisions
21 affecting the outcome of such negotiation or nature of such
22 administration; or

23 (2) The officer or employee was the chief procurement
24 officer, associate procurement officer, State purchasing
25 officer, designee of one of those officers whose principal
26 duties are directly related to State procurement, or
27 executive officer confirmed by the Senate.

28 This prohibition includes but is not limited to: lobbying
29 the procurement process; specifying; bidding; proposing bid,
30 proposal, or contract documents; on his or her own behalf or
31 on behalf of any firm, partnership, association, or
32 corporation. This Section applies only to persons who

1 terminate an affected position on or after the effective date
2 of this amendatory Act of the 92nd General Assembly. Chief
3 procurement officers, associate procurement officers, State
4 purchasing officers, their designees whose principal duties
5 are directly related to State procurement, and executive
6 officers confirmed by the Senate are expressly prohibited for
7 a period of 2 years after terminating an affected position
8 from engaging in any procurement activity relating to the
9 State agency most recently employing them in an affected
10 position for a period of at least 6 months. The prohibition
11 includes but is not limited to: lobbying the procurement
12 process; specifying; bidding; proposing bid; proposal; or
13 contract documents; on their own behalf or on behalf of any
14 firm, partnership, association, or corporation. This Section
15 applies only to persons who terminate an affected position on
16 or after January 15, 1999.

17 (Source: P.A. 90-572, eff. 2-6-98.)

18 Section 50. The Criminal Code of 1961 is amended by
19 adding Section 33-3.1 as follows:

20 (720 ILCS 5/33-3.1 new)

21 Sec. 33-3.1. Solicitation misconduct.

22 (a) A public employee commits solicitation misconduct
23 when he or she knowingly solicits or receives contributions,
24 as that term is defined in Section 9-1.4 of the Election
25 Code, from a person engaged in a business or activity over
26 which the public employee has the responsibility to
27 investigate or inspect, and enforce, regulatory measures
28 necessary to the requirements of any State or federal statute
29 or regulation relating to the business or activity.

30 (b) A public employee convicted of committing
31 solicitation misconduct forfeits his or her employment. In
32 addition, he or she commits a Class A misdemeanor.

1 (c) An employee of a State agency who is discharged,
2 demoted, suspended, threatened, harassed, or in any other
3 manner discriminated against in the terms and conditions of
4 employment by a State agency because of lawful acts done by
5 the employee or on behalf of the employee or others in
6 furtherance of the enforcement of this Section shall be
7 entitled to all relief necessary to make the employee whole.

8 (d) Any person who knowingly makes a false report of
9 solicitation misconduct to the State Police, the Attorney
10 General, a State's Attorney, or any law enforcement official
11 shall be guilty of a Class C misdemeanor.

12 Section 90. Severability. The provisions of this Act
13 are severable under Section 1.31 of the Statute on Statutes.

14 Section 95. Because this Act authorizes the legislative
15 ethics commission to meet in closed session in certain
16 circumstances, in order to meet the requirements of
17 subsection (c) of Section 5 of Article IV of the Illinois
18 Constitution, for passage this Act needs a 2/3 vote of the
19 members elected to each house of the General Assembly.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.

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