



Rep. Michael J. Madigan

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1 AMENDMENT TO SENATE BILL 402

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 402, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The State Officials and Employees Ethics Act is  
6 amended by changing Sections 5-5, 20-15, 25-15, 50-5, and 70-5  
7 and by adding Sections 5-10.5 and 5-65 as follows:

8 (5 ILCS 430/5-5)

9 Sec. 5-5. Personnel policies.

10 (a) Each of the following shall adopt and implement  
11 personnel policies for all State employees under his, her, or  
12 its jurisdiction and control: (i) each executive branch  
13 constitutional officer, (ii) each legislative leader, (iii)  
14 the Senate Operations Commission, with respect to legislative  
15 employees under Section 4 of the General Assembly Operations  
16 Act, (iv) the Speaker of the House of Representatives, with

1 respect to legislative employees under Section 5 of the General  
2 Assembly Operations Act, (v) the Joint Committee on Legislative  
3 Support Services, with respect to State employees of the  
4 legislative support services agencies, (vi) members of the  
5 General Assembly, with respect to legislative assistants, as  
6 provided in Section 4 of the General Assembly Compensation Act,  
7 (vii) the Auditor General, (viii) the Board of Higher  
8 Education, with respect to State employees of public  
9 institutions of higher learning except community colleges, and  
10 (ix) the Illinois Community College Board, with respect to  
11 State employees of community colleges. The Governor shall adopt  
12 and implement those policies for all State employees of the  
13 executive branch not under the jurisdiction and control of any  
14 other executive branch constitutional officer.

15 (b) The policies required under subsection (a) shall be  
16 filed with the appropriate ethics commission established under  
17 this Act or, for the Auditor General, with the Office of the  
18 Auditor General.

19 (c) The policies required under subsection (a) shall  
20 include policies relating to work time requirements,  
21 documentation of time worked, documentation for reimbursement  
22 for travel on official State business, compensation, and the  
23 earning or accrual of State benefits for all State employees  
24 who may be eligible to receive those benefits. No later than 30  
25 days after the effective date of this amendatory Act of the  
26 100th General Assembly, the policies shall include a

1 prohibition of sexual harassment, including how an individual  
2 can report allegations of sexual harassment and disciplinary  
3 action for violation of the policy. The policies shall comply  
4 with and be consistent with all other applicable laws. The  
5 policies shall require State employees to periodically submit  
6 time sheets documenting the time spent each day on official  
7 State business to the nearest quarter hour; contractual State  
8 employees may satisfy the time sheets requirement by complying  
9 with the terms of their contract, which shall provide for a  
10 means of compliance with this requirement. The policies for  
11 State employees shall require those time sheets to be submitted  
12 on paper, electronically, or both and to be maintained in  
13 either paper or electronic format by the applicable fiscal  
14 office for a period of at least 2 years.

15 (d) The policies required under subsection (a) shall be  
16 adopted by the applicable entity before February 1, 2004 and  
17 shall apply to State employees beginning 30 days after  
18 adoption.

19 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

20 (5 ILCS 430/5-10.5 new)

21 Sec. 5-10.5. Sexual harassment training.

22 (a) Each officer, member, and employee must complete, at  
23 least annually beginning in 2018, a sexual harassment training  
24 program. A person who fills a vacancy in an elective or  
25 appointed position that requires training under this Section

1 must complete his or her initial sexual harassment training  
2 program within 30 days after commencement of his or her office  
3 or employment. The training shall include, at a minimum, the  
4 following: (i) the definition, and a description, of sexual  
5 harassment utilizing examples; (ii) information on reporting  
6 allegations of sexual harassment, including options for making  
7 a confidential report to an ethics officer, Inspector General,  
8 or other entity; and (iii) the consequences of a violation of  
9 the prohibition on sexual harassment and the consequences for  
10 knowingly making a false report. Proof of completion must be  
11 submitted to the applicable ethics officer. Sexual harassment  
12 training programs shall be overseen by the appropriate Ethics  
13 Commission and Inspector General appointed pursuant to this  
14 Act.

15 (b) Each ultimate jurisdictional authority shall submit to  
16 the applicable Ethics Commission, at least annually, or more  
17 frequently as required by that Commission, a report that  
18 summarizes the sexual harassment training program that was  
19 completed during the previous year, and lays out the plan for  
20 the training program in the coming year. The report shall  
21 include the names of individuals that failed to complete the  
22 required training program. Each Ethics Commission shall make  
23 the reports available on its website.

24 (5 ILCS 430/5-65 new)

25 Sec. 5-65. Prohibition on sexual harassment.

1       (a) All persons have a right to work in an environment free  
2 from sexual harassment. All persons subject to this Act are  
3 prohibited from sexually harassing any person, regardless of  
4 any employment relationship or lack thereof.

5       (b) For purposes of this Act, "sexual harassment" means any  
6 unwelcome sexual advances or requests for sexual favors or any  
7 conduct of a sexual nature when: (i) submission to such conduct  
8 is made either explicitly or implicitly a term or condition of  
9 an individual's employment; (ii) submission to or rejection of  
10 such conduct by an individual is used as the basis for  
11 employment decisions affecting such individual; or (iii) such  
12 conduct has the purpose or effect of substantially interfering  
13 with an individual's work performance or creating an  
14 intimidating, hostile, or offensive working environment. For  
15 purposes of this definition, the phrase "working environment"  
16 is not limited to a physical location an employee is assigned  
17 to perform his or her duties and does not require an employment  
18 relationship.

19       (5 ILCS 430/20-15)

20       Sec. 20-15. Duties of the Executive Ethics Commission. In  
21 addition to duties otherwise assigned by law, the Executive  
22 Ethics Commission shall have the following duties:

23           (1) To promulgate rules governing the performance of  
24 its duties and the exercise of its powers and governing the  
25 investigations of the Executive Inspectors General. It is

1 declared to be in the public interest, safety, and welfare  
2 that the Commission adopt emergency rules under the  
3 Illinois Administrative Procedure Act to initially perform  
4 its duties under this subsection.

5 (2) To conduct administrative hearings and rule on  
6 matters brought before the Commission only upon the receipt  
7 of pleadings filed by an Executive Inspector General, or  
8 upon receipt of summaries of reviews submitted by the  
9 Inspector General for the Secretary of State under  
10 subsection (d-5) of Section 14 of the Secretary of State  
11 Act, and not upon its own prerogative, but may appoint  
12 special Executive Inspectors General as provided in  
13 Section 20-21. Any other allegations of misconduct  
14 received by the Commission from a person other than an  
15 Executive Inspector General shall be referred to the Office  
16 of the appropriate Executive Inspector General.

17 (3) To prepare and publish manuals and guides and,  
18 working with the Office of the Attorney General, oversee  
19 training of employees under its jurisdiction that explains  
20 their duties.

21 (4) To prepare public information materials to  
22 facilitate compliance, implementation, and enforcement of  
23 this Act.

24 (5) To submit reports as required by this Act.

25 (6) To the extent authorized by this Act, to make  
26 rulings, issue recommendations, and impose administrative

1 fines, if appropriate, in connection with the  
2 implementation and interpretation of this Act. The powers  
3 and duties of the Commission are limited to matters clearly  
4 within the purview of this Act, and include authority over  
5 allegations that an individual required to be registered  
6 under the Lobbyist Registration Act has committed an act of  
7 sexual harassment, as set forth in any summaries of reviews  
8 of such allegations submitted to the Commission by the  
9 Inspector General for the Secretary of State.

10 (7) To issue subpoenas with respect to matters pending  
11 before the Commission, subject to the provisions of this  
12 Article and in the discretion of the Commission, to compel  
13 the attendance of witnesses for purposes of testimony and  
14 the production of documents and other items for inspection  
15 and copying.

16 (8) To appoint special Executive Inspectors General as  
17 provided in Section 20-21.

18 (9) To conspicuously display on the Commission's  
19 website the procedures for reporting a violation of this  
20 Act, including how to report violations via email or  
21 online.

22 (Source: P.A. 93-617, eff. 12-9-03.)

23 (5 ILCS 430/25-15)

24 Sec. 25-15. Duties of the Legislative Ethics Commission. In  
25 addition to duties otherwise assigned by law, the Legislative

1 Ethics Commission shall have the following duties:

2 (1) To promulgate rules governing the performance of  
3 its duties and the exercise of its powers and governing the  
4 investigations of the Legislative Inspector General.

5 (2) To conduct administrative hearings and rule on  
6 matters brought before the Commission only upon the receipt  
7 of pleadings filed by the Legislative Inspector General and  
8 not upon its own prerogative, but may appoint special  
9 Legislative Inspectors General as provided in Section  
10 25-21. Any other allegations of misconduct received by the  
11 Commission from a person other than the Legislative  
12 Inspector General shall be referred to the Office of the  
13 Legislative Inspector General.

14 (3) To prepare and publish manuals and guides and,  
15 working with the Office of the Attorney General, oversee  
16 training of employees under its jurisdiction that explains  
17 their duties.

18 (4) To prepare public information materials to  
19 facilitate compliance, implementation, and enforcement of  
20 this Act.

21 (5) To submit reports as required by this Act.

22 (6) To the extent authorized by this Act, to make  
23 rulings, issue recommendations, and impose administrative  
24 fines, if appropriate, in connection with the  
25 implementation and interpretation of this Act. The powers  
26 and duties of the Commission are limited to matters clearly



1 within the purview of this Act.

2 (7) To issue subpoenas with respect to matters pending  
3 before the Commission, subject to the provisions of this  
4 Article and in the discretion of the Commission, to compel  
5 the attendance of witnesses for purposes of testimony and  
6 the production of documents and other items for inspection  
7 and copying.

8 (8) To appoint special Legislative Inspectors General  
9 as provided in Section 25-21.

10 (9) To conspicuously display on the Commission's  
11 website the procedures for reporting a violation of this  
12 Act, including how to report violations via email or  
13 online.

14 (Source: P.A. 93-617, eff. 12-9-03.)

15 (5 ILCS 430/50-5)

16 Sec. 50-5. Penalties.

17 (a) A person is guilty of a Class A misdemeanor if that  
18 person intentionally violates any provision of Section 5-15,  
19 5-30, 5-40, or 5-45 or Article 15.

20 (a-1) An ethics commission may levy an administrative fine  
21 for a violation of Section 5-45 of this Act of up to 3 times the  
22 total annual compensation that would have been obtained in  
23 violation of Section 5-45.

24 (b) A person who intentionally violates any provision of  
25 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business

1 offense subject to a fine of at least \$1,001 and up to \$5,000.

2 (c) A person who intentionally violates any provision of  
3 Article 10 is guilty of a business offense and subject to a  
4 fine of at least \$1,001 and up to \$5,000.

5 (d) Any person who intentionally makes a false report  
6 alleging a violation of any provision of this Act to an ethics  
7 commission, an inspector general, the State Police, a State's  
8 Attorney, the Attorney General, or any other law enforcement  
9 official is guilty of a Class A misdemeanor.

10 (e) An ethics commission may levy an administrative fine of  
11 up to \$5,000 against any person who violates this Act, who  
12 intentionally obstructs or interferes with an investigation  
13 conducted under this Act by an inspector general, or who  
14 intentionally makes a false, frivolous, or bad faith  
15 allegation.

16 (f) In addition to any other penalty that may apply,  
17 whether criminal or civil, a State employee who intentionally  
18 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,  
19 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or  
20 25-90 is subject to discipline or discharge by the appropriate  
21 ultimate jurisdictional authority.

22 (g) Any person who violates Section 5-65 is subject to a  
23 fine of up to \$5,000 per offense, and is subject to discipline  
24 or discharge by the appropriate ultimate jurisdictional  
25 authority. Each violation of Section 5-65 is a separate  
26 offense. Any penalty imposed by an ethics commission shall be

1 separate and distinct from any fines or penalties imposed by a  
2 court of law or a State or federal agency.

3 (h) Any person who violates Section 4.7 or paragraph (d) of  
4 Section 5 of the Lobbyist Registration Act is guilty of a  
5 business offense and shall be subject to a fine of up to  
6 \$5,000. Any penalty imposed by an ethics commission shall be  
7 separate and distinct from any fines or penalties imposed by a  
8 court of law or by the Secretary of State pursuant to the  
9 Lobbyist Registration Act.

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

11 (5 ILCS 430/70-5)

12 Sec. 70-5. Adoption by governmental entities.

13 (a) Within 6 months after the effective date of this Act,  
14 each governmental entity other than a community college  
15 district, and each community college district within 6 months  
16 after the effective date of this amendatory Act of the 95th  
17 General Assembly, shall adopt an ordinance or resolution that  
18 regulates, in a manner no less restrictive than Section 5-15  
19 and Article 10 of this Act, (i) the political activities of  
20 officers and employees of the governmental entity and (ii) the  
21 soliciting and accepting of gifts by and the offering and  
22 making of gifts to officers and employees of the governmental  
23 entity. No later than 60 days after the effective date of this  
24 amendatory Act of the 100th General Assembly, each governmental  
25 entity shall adopt an ordinance or resolution establishing a

1 policy to prohibit sexual harassment, including how an  
2 individual can report allegations of sexual harassment and  
3 disciplinary action for violation of the policy.

4 (b) Within 3 months after the effective date of this  
5 amendatory Act of the 93rd General Assembly, the Attorney  
6 General shall develop model ordinances and resolutions for the  
7 purpose of this Article. The Attorney General shall advise  
8 governmental entities on their contents and adoption.

9 (c) As used in this Article, (i) an "officer" means an  
10 elected or appointed official; regardless of whether the  
11 official is compensated, and (ii) an "employee" means a  
12 full-time, part-time, or contractual employee.

13 (Source: P.A. 95-880, eff. 8-19-08.)

14 Section 10. The Secretary of State Act is amended by  
15 changing Section 14 as follows:

16 (15 ILCS 305/14)

17 Sec. 14. Inspector General.

18 (a) The Secretary of State must, with the advice and  
19 consent of the Senate, appoint an Inspector General for the  
20 purpose of detection, deterrence, and prevention of fraud,  
21 corruption, mismanagement, gross or aggravated misconduct, or  
22 misconduct that may be criminal in nature in the Office of the  
23 Secretary of State. The Inspector General shall serve a 5-year  
24 term. If no successor is appointed and qualified upon the

1 expiration of the Inspector General's term, the Office of  
2 Inspector General is deemed vacant and the powers and duties  
3 under this Section may be exercised only by an appointed and  
4 qualified interim Inspector General until a successor  
5 Inspector General is appointed and qualified. If the General  
6 Assembly is not in session when a vacancy in the Office of  
7 Inspector General occurs, the Secretary of State may appoint an  
8 interim Inspector General whose term shall expire 2 weeks after  
9 the next regularly scheduled session day of the Senate.

10 (b) The Inspector General shall have the following  
11 qualifications:

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

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

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

23 (c) The Inspector General may review, coordinate, and  
24 recommend methods and procedures to increase the integrity of  
25 the Office of the Secretary of State. The duties of the  
26 Inspector General shall supplement and not supplant the duties

1 of the Chief Auditor for the Secretary of State's Office or any  
2 other Inspector General that may be authorized by law. The  
3 Inspector General must report directly to the Secretary of  
4 State.

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

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

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

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

24 (4) To require by subpoena the appearance of witnesses  
25 and the production of all information, documents, reports,  
26 answers, records, accounts, papers, and other data and

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

1 Amendment of the United States Constitution or Article I,  
2 Section 10, of the Constitution of the State of Illinois.

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

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

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

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

21 (3) To require by subpoena the appearance of witnesses  
22 and the production of all information, documents, reports,  
23 answers, records, accounts, papers, and other data and  
24 documentary evidence necessary in the performance of the  
25 functions assigned by this Section. A subpoena may be  
26 issued under this paragraph (3) only by the Inspector



1 General and not by members of the Inspector General's  
2 staff. A person duly subpoenaed for testimony, documents,  
3 or other items who neglects or refuses to testify or  
4 produce documents or other items under the requirements of  
5 the subpoena shall be subject to punishment as may be  
6 determined by a court of competent jurisdiction, unless the  
7 testimony, documents, or other items are covered by the  
8 attorney-client privilege or any other privilege or right  
9 recognized by law. Nothing in this Section limits a  
10 person's right to protection against self-incrimination  
11 under the Fifth Amendment of the United States Constitution  
12 or Section 10 of Article I of the Constitution of the State  
13 of Illinois.

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

17 (5) As provided in subsection (d) of Section 5 of the  
18 Lobbyist Registration Act, to review allegations that an  
19 individual required to be registered under the Lobbyist  
20 Registration Act has engaged in one or more acts of sexual  
21 harassment. Upon completion of that review, the Inspector  
22 General shall submit a summary of the review to the  
23 Executive Ethics Commission. The Secretary shall adopt  
24 rules setting forth the procedures for the review of such  
25 allegations.

26 (e) The Inspector General may receive and investigate

1 complaints or information concerning the possible existence of  
2 an activity constituting a violation of law, rules, or  
3 regulations; mismanagement; abuse of authority; or substantial  
4 and specific danger to the public health and safety. Any person  
5 who knowingly files a false complaint or files a complaint with  
6 reckless disregard for the truth or the falsity of the facts  
7 underlying the complaint may be subject to discipline as set  
8 forth in the rules of the Department of Personnel of the  
9 Secretary of State or the Inspector General may refer the  
10 matter to a State's Attorney or the Attorney General.

11 The Inspector General may not, after receipt of a complaint  
12 or information, disclose the identity of the source without the  
13 consent of the source, unless the Inspector General determines  
14 that disclosure of the identity is reasonable and necessary for  
15 the furtherance of the investigation.

16 Any employee who has the authority to recommend or approve  
17 any personnel action or to direct others to recommend or  
18 approve any personnel action may not, with respect to that  
19 authority, take or threaten to take any action against any  
20 employee as a reprisal for making a complaint or disclosing  
21 information to the Inspector General, unless the complaint was  
22 made or the information disclosed with the knowledge that it  
23 was false or with willful disregard for its truth or falsity.

24 (f) The Inspector General must adopt rules, in accordance  
25 with the provisions of the Illinois Administrative Procedure  
26 Act, establishing minimum requirements for initiating,

1 conducting, and completing investigations. The rules must  
2 establish criteria for determining, based upon the nature of  
3 the allegation, the appropriate method of investigation, which  
4 may include, but is not limited to, site visits, telephone  
5 contacts, personal interviews, or requests for written  
6 responses. The rules must also clarify how the Office of the  
7 Inspector General shall interact with other local, State, and  
8 federal law enforcement investigations.

9 Any employee of the Secretary of State subject to  
10 investigation or inquiry by the Inspector General or any agent  
11 or representative of the Inspector General concerning  
12 misconduct that is criminal in nature shall have the right to  
13 be notified of the right to remain silent during the  
14 investigation or inquiry and the right to be represented in the  
15 investigation or inquiry by an attorney or a representative of  
16 a labor organization that is the exclusive collective  
17 bargaining representative of employees of the Secretary of  
18 State. Any investigation or inquiry by the Inspector General or  
19 any agent or representative of the Inspector General must be  
20 conducted with an awareness of the provisions of a collective  
21 bargaining agreement that applies to the employees of the  
22 Secretary of State and with an awareness of the rights of the  
23 employees as set forth in State and federal law and applicable  
24 judicial decisions. Any recommendations for discipline or any  
25 action taken against any employee by the Inspector General or  
26 any representative or agent of the Inspector General must

1 comply with the provisions of the collective bargaining  
2 agreement that applies to the employee.

3 (g) On or before January 1 of each year, the Inspector  
4 General shall report to the President of the Senate, the  
5 Minority Leader of the Senate, the Speaker of the House of  
6 Representatives, and the Minority Leader of the House of  
7 Representatives on the types of investigations and the  
8 activities undertaken by the Office of the Inspector General  
9 during the previous calendar year.

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

11 Section 15. The Lobbyist Registration Act is amended by  
12 changing Sections 5 and 10 and by adding Section 4.7 as  
13 follows:

14 (25 ILCS 170/4.7 new)

15 Sec. 4.7. Prohibition on sexual harassment.

16 (a) All persons have the right to work in an environment  
17 free from sexual harassment. All persons subject to this Act  
18 shall refrain from sexual harassment of any person.

19 (b) Beginning January 1, 2018, each natural person required  
20 to register as a lobbyist under this Act must complete, at  
21 least annually, a sexual harassment training program provided  
22 by the Secretary of State. A natural person registered under  
23 this Act must complete the training program no later than 30  
24 days after registration or renewal under this Act. This

1 requirement does not apply to a lobbying entity or a client  
2 that hires a lobbyist that (i) does not have employees of the  
3 lobbying entity or client registered as lobbyists, or (ii) does  
4 not have an actual presence in Illinois.

5 (c) No later than January 1, 2018, each natural person and  
6 any entity required to register under this Act shall have a  
7 written sexual harassment policy that shall include, at a  
8 minimum, the following information: (i) the illegality of  
9 sexual harassment; (ii) the definition of sexual harassment;  
10 (iii) a description of sexual harassment, utilizing examples;  
11 (iv) the person or entity's internal process for receiving  
12 complaints and the process of reviewing such complaints,  
13 including any penalties or discipline for violations by  
14 employees, contractors, or lobbyists; and (v) protection  
15 against retaliation. A copy of the policy shall be provided to  
16 the Secretary of State upon request of the Secretary or his or  
17 her designee.

18 (d) For purposes of this Act, "sexual harassment" means any  
19 unwelcome sexual advances or requests for sexual favors or any  
20 conduct of a sexual nature when: (i) submission to such conduct  
21 is made either explicitly or implicitly a term or condition of  
22 an individual's employment; (ii) submission to or rejection of  
23 such conduct by an individual is used as the basis for  
24 employment decisions affecting such individual; or (iii) such  
25 conduct has the purpose or effect of substantially interfering  
26 with an individual's work performance or creating an

1 intimidating, hostile, or offensive working environment. For  
2 the purposes of this definition, the phrase "working  
3 environment" is not limited to a physical location an employee  
4 is assigned to perform his or her duties and does not require  
5 an employment relationship.

6 (e) The Secretary of State shall adopt rules for the  
7 implementation of this Section.

8 (25 ILCS 170/5)

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

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

23 (a-5) If the registrant is an entity, the information  
24 required under subsection (a) for each natural person  
25 associated with the registrant who will be lobbying,

1           regardless of whether lobbying is a significant part of his  
2           or her duties.

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

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

14          (c-5) Each executive and legislative branch agency the  
15          registrant expects to lobby during the registration  
16          period.

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

1 association, (20) travel or tourism, (21) transportation,  
2 (22) agriculture, and (23) other (setting forth the nature  
3 of that other business).

4 (d) A confirmation that the registrant has a sexual  
5 harassment policy as required by Section 4.7, that such  
6 policy shall be made available to any individual within 2  
7 business days upon written request (including electronic  
8 requests), that any person may contact the authorized agent  
9 of the registrant to report allegations of sexual  
10 harassment, and that the registrant recognizes the  
11 Inspector General has jurisdiction to review any  
12 allegations of sexual harassment alleged against the  
13 registrant or lobbyists hired by the registrant.

14 Every natural person and every entity required to register  
15 under this Act shall annually submit the registration required  
16 by this Section on or before each January 31. The registrant  
17 has a continuing duty to report any substantial change or  
18 addition to the information contained in the registration.

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



1 All natural persons and entities required to register under  
2 this Act shall remit a single, annual, and nonrefundable \$300  
3 registration fee. Each natural person required to register  
4 under this Act shall submit, on an annual basis, a picture of  
5 the registrant. A registrant may, in lieu of submitting a  
6 picture on an annual basis, authorize the Secretary of State to  
7 use any photo identification available in any database  
8 maintained by the Secretary of State for other purposes. Each  
9 registration fee collected for registrations on or after  
10 January 1, 2010 shall be deposited into the Lobbyist  
11 Registration Administration Fund for administration and  
12 enforcement of this Act.

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

14 (25 ILCS 170/10) (from Ch. 63, par. 180)

15 Sec. 10. Penalties.

16 (a) Any person who violates any of the provisions of this  
17 Act, except for a violation of Section 4.7 or paragraph (d) of  
18 Section 5, shall be guilty of a business offense and shall be  
19 fined not more than \$10,000 for each violation. Every day that  
20 a report or registration is late shall constitute a separate  
21 violation. In determining the appropriate fine for each  
22 violation, the trier of fact shall consider the scope of the  
23 entire lobbying project, the nature of activities conducted  
24 during the time the person was in violation of this Act, and  
25 whether or not the violation was intentional or unreasonable.

1       (a-5) A violation of Section 4.7 or paragraph (d) of  
2       Section 5 shall be considered a violation of the State  
3       Officials and Employees Ethics Act, subject to the jurisdiction  
4       of the Executive Ethics Commission and to all penalties under  
5       Section 50-5 of the State Officials and Employees Ethics Act.

6       (b) In addition to the penalties provided for in subsection  
7       (a) of this Section, any person convicted of any violation of  
8       any provision of this Act is prohibited for a period of three  
9       years from the date of such conviction from lobbying.

10       (c) There is created in the State treasury a special fund  
11       to be known as the Lobbyist Registration Administration Fund.  
12       All fines collected in the enforcement of this Section shall be  
13       deposited into the Fund. These funds shall, subject to  
14       appropriation, be used by the Office of the Secretary of State  
15       for implementation and administration of this Act.

16       (Source: P.A. 96-555, eff. 1-1-10.)

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