



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1922

Introduced 2/9/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

60 ILCS 1/Art. 103 heading new
60 ILCS 1/103-5 new
60 ILCS 1/103-10 new
60 ILCS 1/103-15 new
60 ILCS 1/103-20 new
60 ILCS 1/103-25 new
60 ILCS 1/103-30 new
60 ILCS 1/103-35 new
60 ILCS 1/103-40 new
60 ILCS 1/103-45 new
60 ILCS 1/103-50 new
60 ILCS 1/103-55 new
60 ILCS 1/103-60 new
60 ILCS 1/103-65 new
60 ILCS 1/103-70 new

Creates the Township Inspector General Article of the Township Code. Provides that the purpose of the Article is to establish an independent entity to which allegations of incompetence, neglect of duty, malfeasance in office, corruption, or official misconduct involving townships, including the township's officers, local officials, employees, agents, vendors, and others doing business with the township, may be reported and investigated with the assistance of the Attorney General. Creates the Township Ethics Commission and the Office of the Township Inspector General and provides that members of the Commission and the Inspector General shall be appointed by the Governor with the advice and consent of the Senate. Sets forth the procedures of investigating a complaint and the issuing of reports. Defines terms.

LRB103 28895 AWJ 55281 b

1 AN ACT concerning local government.

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

4 Section 5. The Township Code is amended by adding Article
5 103 as follows:

6 (60 ILCS 1/Art. 103 heading new)

7 ARTICLE 103. TOWNSHIP INSPECTOR GENERAL

8 (60 ILCS 1/103-5 new)

9 Sec. 103-5. Definitions. For purposes of this Article,
10 "local official" means (i) any official appointed or elected
11 to an office of a township, or (ii) an office created by
12 ordinance, resolution, or contract of any township.

13 (60 ILCS 1/103-10 new)

14 Sec. 103-10. Scope. This Article applies only to townships
15 that do not have their own inspector general.

16 (60 ILCS 1/103-15 new)

17 Sec. 103-15. Purpose. The purpose of this Article is to
18 establish an independent entity: (1) to which allegations of
19 incompetence, neglect of duty, malfeasance in office,
20 corruption, or official misconduct involving township

1 officers, local officials, employees, agents, vendors, and
2 others doing business with the township; and (2) that has the
3 authority to investigate allegations of incompetence, neglect
4 of duty, malfeasance in office, corruption, or official
5 misconduct involving township officers, local officials,
6 employees, agents, vendors, and others doing business with the
7 township, with the assistance of the Attorney General.

8 (60 ILCS 1/103-20 new)

9 Sec. 103-20. Township Ethics Commission.

10 (a) The Township Ethics Commission is created.

11 (b) The Township Ethics Commission shall consist of 9
12 commissioners appointed by the Governor, with the advice and
13 consent of the Senate. Any nomination not acted upon by the
14 Senate within 60 session days of the receipt of the nomination
15 shall be deemed to have received the advice and consent of the
16 Senate. If, during a recess of the Senate, there is a vacancy
17 in an office of commissioner, the Governor shall make a
18 temporary appointment until the next meeting of the Senate
19 when the Governor shall make a nomination to fill that office.
20 No person rejected for an office of commissioner shall, except
21 by the Senate's request, be nominated again for that office at
22 the same session of the Senate or be appointed to that office
23 during a recess of that Senate.

24 Commissioners shall serve for 4-year terms commencing on
25 July 1 of the year of appointment and running through June 30

1 of the fourth following year. Commissioners may be reappointed
2 to one or more subsequent terms.

3 Vacancies occurring other than at the end of a term shall
4 be filled by the Governor only for the balance of the term of
5 the commissioner whose office is vacant. The Governor may
6 remove a commissioner only for cause.

7 Terms shall run regardless of whether the position is
8 filled.

9 (c) The Governor shall appoint commissioners who have
10 experience holding governmental office or employment and shall
11 appoint commissioners from the general public. A person is not
12 eligible to serve as a commissioner if that person (i) has been
13 convicted of a felony or a crime of dishonesty or moral
14 turpitude, (ii) is, or was within the preceding 12 months,
15 engaged in activities that require registration under the
16 Lobbyist Registration Act, (iii) is related to the appointing
17 authority, or (iv) is a State officer or employee.

18 (d) The Township Ethics Commission has jurisdiction over
19 all townships and township officers, local officials,
20 employees, agents, vendors, and others doing business with the
21 township.

22 (e) The Township Ethics Commission must meet, either in
23 person or by other technological means, at least monthly and
24 as often as necessary. At the first meeting of the Township
25 Ethics Commission, the commissioners shall choose from their
26 number a chairperson and other officers that they deem

1 appropriate. The terms of officers shall be for 2 years
2 commencing July 1 and running through June 30 of the second
3 following year. Meetings shall be held at the call of the
4 chairperson or any 3 commissioners. Official action by the
5 Commission requires the affirmative vote of 5 commissioners,
6 and a quorum consists of 5 commissioners. Commissioners shall
7 receive compensation in an amount equal to the compensation of
8 members of the State Board of Elections and may be reimbursed
9 for their reasonable expenses actually incurred in the
10 performance of their duties.

11 (f) No commissioner or employee of the Townships Ethics
12 Commission may during his or her term of appointment or
13 employment:

14 (1) become a candidate for any elective office;

15 (2) hold any other elected or appointed public office
16 except for appointments on governmental advisory boards or
17 study commissions or as otherwise expressly authorized by
18 law;

19 (3) be actively involved in the affairs of any
20 political party or political organization; or

21 (4) advocate for the appointment of another person to
22 an appointed or elected office or position or actively
23 participate in any campaign for any elective office.

24 (g) The Township Ethics Commission shall appoint an
25 Executive Director. The compensation of the Executive Director
26 shall be as determined by the Commission. The Executive

1 Director of the Township Ethics Commission may employ and
2 determine the compensation of staff, as appropriations permit.

3 (60 ILCS 1/103-25 new)

4 Sec. 103-25. Township Inspector General.

5 (a) There is created the Office of the Township Inspector
6 General.

7 (b) The Township Inspector General shall be appointed by
8 the Governor, with the advice and consent of the Senate. Any
9 nomination not acted upon by the Senate within 60 session days
10 of the receipt of the nomination shall be deemed to have
11 received the advice and consent of the Senate. If, during a
12 recess of the Senate, there is a vacancy in an office of
13 Township Inspector General, the Governor shall make a
14 temporary appointment until the next meeting of the Senate
15 when the Governor shall make a nomination to fill the office.
16 No person rejected for the office of Township Inspector
17 General shall, except by the Senate's request, be nominated
18 again for that office at the same session of the Senate or be
19 appointed to that office during a recess of that Senate.

20 Nothing in this Article precludes the appointment by a
21 township or any local official of any other inspector general
22 required or permitted by law.

23 The Township Inspector General shall have the following
24 qualifications:

25 (1) has not been convicted of any felony under the

1 laws of this State, another State, or the United States;

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

4 (3) has 5 or more years of cumulative service (A) with
5 a federal, State, or local law enforcement agency, at
6 least 2 years of which have been in a progressive
7 investigatory capacity; (B) as a federal, State, or local
8 prosecutor; (C) as a senior manager or executive of a
9 federal, State, or local agency; (D) as a member, an
10 officer, or a State or federal judge; or (E) representing
11 any combination of (A) through (D).

12 The term of the Township Inspector General shall be for 5
13 years, commencing on July 1 of the year of appointment and
14 running through June 30 of the fifth following year. The
15 Township Inspector General may be reappointed to one or more
16 subsequent terms. A vacancy occurring other than at the end of
17 a term shall be filled by the Governor for the balance of the
18 current term.

19 (c) The Township Inspector General has jurisdiction over
20 all townships and township officers, local officials,
21 employees, agents, vendors, and others doing business with the
22 township. The Township Inspector General has the authority to
23 investigate allegations of fraud, waste, abuse, mismanagement,
24 misconduct, nonfeasance, misfeasance, malfeasance, or
25 violations of other related laws and rules.

26 (d) The compensation for the Township Inspector General

1 shall be determined by the Governor and shall be made from
2 appropriations made to the Office of the Governor for this
3 purpose. The Township Inspector General has full authority to
4 organize the Office of the Township Inspector General,
5 including the employment and determination of the compensation
6 of staff, such as deputies, assistants, and other employees,
7 as appropriations permit.

8 (e) A Township Inspector General or employee of the Office
9 of the Township Inspector General may not, during his or her
10 term of appointment or employment:

11 (1) become a candidate for any elective office;

12 (2) hold any other elected or appointed public office
13 except for appointments on governmental advisory boards or
14 study commissions or as otherwise expressly authorized by
15 law;

16 (3) be actively involved in the affairs of any
17 political party or political organization; or

18 (4) advocate for the appointment of another person to
19 an elected or appointed public office or position or
20 actively participate in any campaign for any elective
21 office.

22 In this subsection, "appointed public office" means a
23 position authorized by law that is filled by an appointing
24 authority as provided by law and does not include employment
25 by hiring in the ordinary course of business.

26 (f) A Township Inspector General or employee of the Office

1 of the Township Inspector General may not, for one year after
2 the termination of his or her appointment or employment: (1)
3 become a candidate for any elective office; (2) hold any
4 elected public office; or (3) hold any appointed State,
5 county, or local judicial office.

6 (g) The Township Inspector General may be removed only for
7 cause and may be removed only by the Governor. At the time of
8 the removal, the Governor must report to the Senate the
9 justification for the removal.

10 (60 ILCS 1/103-30 new)

11 Sec. 103-30. Duties of the Township Inspector General. In
12 addition to duties otherwise assigned by law, the Township
13 Inspector General has the following duties:

14 (1) To receive and investigate allegations of
15 incompetence, neglect of duty, malfeasance in office,
16 corruption, or official misconduct by local officials. An
17 investigation may not be initiated more than one year
18 after the most recent act of the alleged violation or of a
19 series of alleged violations except where there is
20 reasonable cause to believe that fraudulent concealment
21 has occurred. To constitute fraudulent concealment
22 sufficient to toll this limitation period, there must be
23 an affirmative act or representation calculated to prevent
24 discovery of the fact that a violation has occurred. The
25 Township Inspector General shall have the discretion to

1 determine the appropriate means of investigation as
2 permitted by law.

3 (2) To request information relating to an
4 investigation from any person when the Township Inspector
5 General deems that information necessary in conducting an
6 investigation.

7 (3) To issue subpoenas to compel the attendance of
8 witnesses for the purposes of testimony and production of
9 documents and other items for inspection and copying and
10 to make service of those subpoenas.

11 (4) To submit reports as required by this Article.

12 (5) To file pleadings in the name of the Township
13 Inspector General with the Township Ethics Commission,
14 through the Attorney General, as provided in this Article
15 if the Attorney General finds that reasonable cause exists
16 to believe that a violation has occurred.

17 (6) To participate in or conduct, when appropriate,
18 multi-jurisdictional investigations.

19 (7) To establish a policy that ensures the appropriate
20 handling and correct recording of all investigations
21 conducted by the Office, and to ensure that the policy is
22 accessible via the Internet in order that those seeking to
23 report those allegations are familiar with the process and
24 that the subjects of those allegations are treated fairly.

1 Sec. 103-35. Administrative subpoena; compliance. A person
2 duly subpoenaed for testimony, documents, or other items who
3 neglects or refuses to testify or produce documents or other
4 items under the requirements of the subpoena shall be subject
5 to punishment as may be determined by a court. Nothing in this
6 Section limits or alters a person's existing rights or
7 protections under State or federal law.

8 (60 ILCS 1/103-40 new)

9 Sec. 103-40. Standing; representation.

10 (a) Only the Township Inspector General or the Attorney
11 General may bring actions before the Township Ethics
12 Commission.

13 (b) The Attorney General shall represent the Township
14 Inspector General in all proceedings before the Commission.
15 Whenever the Attorney General is sick or absent, or unable to
16 attend, or is interested in any matter or proceeding under
17 this Article, upon the filing of a petition under seal by any
18 person with standing, the Supreme Court (or any other court as
19 designated and determined by rule of the Supreme Court) may
20 appoint some competent attorney to prosecute or defend that
21 matter or proceeding, and the attorney so appointed shall have
22 the same power and authority in relation to that matter or
23 proceeding as the Attorney General would have had if present
24 and attending to the same.

25 (c) Attorneys representing the Township Inspector General

1 in proceedings before the Township Ethics Commission, except
2 an attorney appointed under subsection (b), shall be appointed
3 or retained by the Attorney General, shall be under the
4 supervision, direction, and control of the Attorney General,
5 and shall serve at the pleasure of the Attorney General. The
6 compensation of any attorneys appointed or retained in
7 accordance with this subsection or subsection (b) shall be
8 paid by the appropriate Office of the Township Inspector
9 General.

10 (60 ILCS 1/103-45 new)

11 Sec. 103-45. Investigation reports.

12 (a) If the Township Inspector General, upon the conclusion
13 of an investigation, determines that reasonable cause exists
14 to believe that a violation has occurred, then the Township
15 Inspector General shall issue a summary report of the
16 investigation. The report shall be delivered to the township
17 board, if appropriate. The township board shall respond to the
18 summary report within 20 days, in writing, to the Township
19 Inspector General. The response shall include a description of
20 any corrective or disciplinary action to be imposed. If the
21 township board fails to respond by the 20th day, the Township
22 Inspector General may proceed as provided in subsection (c) or
23 (d).

24 (b) The summary report of the investigation shall include
25 the following:

1 (1) A description of any allegations or other
2 information received by the Township Inspector General
3 pertinent to the investigation.

4 (2) A description of any alleged misconduct discovered
5 in the course of the investigation.

6 (3) Recommendations for any corrective or disciplinary
7 action to be taken in response to any alleged misconduct
8 described in the report, including, but not limited, to
9 discharge.

10 (4) Other information the Township Inspector General
11 deems relevant to the investigation or resulting
12 recommendations.

13 (c) Within 30 days after receiving a response from the
14 township board under subsection (a) or at any time if the
15 Township Inspector General did not deliver the summary report
16 to the township board under subsection (a), the Township
17 Inspector General shall notify the Township Ethics Commission
18 and the Attorney General if the Township Inspector General
19 believes that a complaint should be filed with the Commission.
20 If the Township Inspector General desires to file a complaint
21 with the Commission, the Township Inspector General shall
22 submit the summary report and supporting documents to the
23 Attorney General.

24 If the Attorney General concludes that there is
25 insufficient evidence that a violation has occurred, the
26 Attorney General shall notify the Township Inspector General

1 and the Township Inspector General shall deliver to the
2 Township Ethics Commission a copy of the summary report and
3 response from the ultimate jurisdictional authority or agency
4 head. If the Attorney General determines that reasonable cause
5 exists to believe that a violation has occurred, then the
6 Township Inspector General, represented by the Attorney
7 General, may file with the Township Ethics Commission a
8 complaint. The complaint shall set forth the alleged violation
9 and the grounds that exist to support the complaint. The
10 complaint must be filed with the Commission within 18 months
11 after the most recent act of the alleged violation or of a
12 series of alleged violations except where there is reasonable
13 cause to believe that fraudulent concealment has occurred. To
14 constitute fraudulent concealment sufficient to toll this
15 limitation period, there must be an affirmative actor
16 representation calculated to prevent discovery of the fact
17 that a violation has occurred. If a complaint is not filed with
18 the Commission within 6 months after notice by the Township
19 Inspector General to the Commission and the Attorney General,
20 then the Commission may set a meeting of the Commission at
21 which the Attorney General shall appear and provide a status
22 report to the Commission.

23 (d) Within 30 days after receiving a response from the
24 township board under subsection (a) or at any time if the
25 Township Inspector General did not deliver the summary report
26 to the township board under subsection (a), if the Township

1 Inspector General does not believe that a complaint should be
2 filed, the Township Inspector General shall deliver to the
3 Township Ethics Commission a statement setting forth the basis
4 for the decision not to file a complaint and a copy of the
5 summary report and response from the ultimate jurisdictional
6 authority or agency head. The Township Inspector General may
7 also submit a redacted version of the summary report and
8 response from the ultimate jurisdictional authority if the
9 Township Inspector General believes either contains
10 information that, in the opinion of the Township Inspector
11 General, should be redacted prior to releasing the report, may
12 interfere with an ongoing investigation, or identifies an
13 informant or complainant.

14 (e) If, after reviewing the documents, the Commission
15 believes that further investigation is warranted, the
16 Commission may request that the Township Inspector General
17 provide additional information or conduct further
18 investigation. The Commission may also appoint a Special
19 Township Inspector General to investigate or refer the summary
20 report and response from the ultimate jurisdictional authority
21 to the Attorney General for further investigation or review.
22 If the Commission requests the Attorney General to investigate
23 or review, the Commission must notify the Attorney General and
24 the Township Inspector General. The Attorney General may not
25 begin an investigation or review until receipt of notice from
26 the Commission. If, after review, the Attorney General

1 determines that reasonable cause exists to believe that a
2 violation has occurred, then the Attorney General may file a
3 complaint with the Township Ethics Commission. If the Attorney
4 General concludes that there is insufficient evidence that a
5 violation has occurred, the Attorney General shall notify the
6 Township Ethics Commission and the Township Inspector General.

7 (f) A copy of the complaint filed with the Township Ethics
8 Commission must be served on all respondents named in the
9 complaint and the township board with whom an officer, local
10 official, employee, agent, vendor, or other person is
11 associated in the same manner as process is served under the
12 Code of Civil Procedure.

13 (g) A respondent may file objections to the complaint
14 within 30 days after notice of the petition has been served on
15 the respondent.

16 (h) The Commission shall meet, either in person or by
17 telephone, at least 30 days after the complaint is served on
18 all respondents in a closed session to review the sufficiency
19 of the complaint. The Commission shall issue notice by
20 certified mail, return receipt requested, to the Township
21 Inspector General, Attorney General, and all respondents of
22 the Commission's ruling on the sufficiency of the complaint.
23 If the complaint is deemed to sufficiently allege a violation
24 of this Article, then the Commission shall include a hearing
25 date scheduled within 4 weeks after the date of the notice,
26 unless all of the parties consent to a later date. If the

1 complaint is deemed not to sufficiently allege a violation,
2 then the Commission shall send by certified mail, return
3 receipt requested, a notice to the Township Inspector General,
4 Attorney General, and all respondents of the decision to
5 dismiss the complaint.

6 (i) On the scheduled date, the Commission shall conduct a
7 closed meeting, either in person or, if the parties consent,
8 by telephone, on the complaint and allow all parties the
9 opportunity to present testimony and evidence. All such
10 proceedings shall be transcribed.

11 (j) Within an appropriate time limit set by rules of the
12 Township Ethics Commission, the Commission shall (i) dismiss
13 the complaint, (ii) issue a recommendation of discipline to
14 the respondent and the respondent's ultimate jurisdictional
15 authority, (iii) impose an administrative fine upon the
16 respondent, (iv) issue injunctive relief, or (v) impose a
17 combination of (ii) through (iv).

18 (k) The proceedings on any complaint filed with the
19 Commission shall be conducted pursuant to rules promulgated by
20 the Commission.

21 (l) The Commission may designate hearing officers to
22 conduct proceedings as determined by rule of the Commission.

23 (m) In all proceedings before the Commission, the standard
24 of proof is by a preponderance of the evidence.

25 (n) Within 30 days after the issuance of a final
26 administrative decision that concludes that a violation

1 occurred, the Township Ethics Commission shall make public the
2 entire record of proceedings before the Commission, the
3 decision, any recommendation, any discipline imposed, and the
4 response from the agency head or ultimate jurisdictional
5 authority to the Township Ethics Commission.

6 (60 ILCS 1/103-50 new)

7 Sec. 103-50. Closed investigations. When the Township
8 Inspector General concludes that there is insufficient
9 evidence that a violation has occurred, the Township Inspector
10 General shall close the investigation. The Township Inspector
11 General shall provide the Commission with a written statement
12 of the Township Inspector General's decision to close the
13 investigation. At the request of the subject of the
14 investigation, the Township Inspector General shall provide a
15 written statement to the subject of the investigation of the
16 Inspector General's decision to close the investigation.
17 Closure by the Township Inspector General does not bar the
18 Township Inspector General from resuming the investigation if
19 circumstances warrant. The Commission also has the discretion
20 to request that the Township Inspector General conduct further
21 investigation of any matter closed pursuant to this Section,
22 to appoint a Special Township Inspector General to
23 investigate, or to refer the allegations to the Attorney
24 General for further investigation or review. If the Commission
25 requests the Attorney General to investigate or review, the

1 Commission must notify the Attorney General and the Township
2 Inspector General. The Attorney General may not begin an
3 investigation or review until receipt of notice from the
4 Commission.

5 (60 ILCS 1/103-55 new)

6 Sec. 103-55. Release of summary reports.

7 (a) Within 60 days after receipt of a summary report and
8 response from the township board or supervisor of the township
9 that resulted in a suspension of at least 3 days or termination
10 of employment, the Township Ethics Commission shall make
11 available to the public the report and response or a redacted
12 version of the report and response. The Township Ethics
13 Commission may make available to the public any other summary
14 report and response of the ultimate jurisdictional authority
15 or a redacted version of the report and response.

16 (b) The Commission shall redact information in the summary
17 report that may reveal the identity of witnesses,
18 complainants, or informants or if the Commission determines it
19 is appropriate to protect the identity of a person before the
20 report is made public. The Commission may also redact any
21 information it believes should not be made public. Prior to
22 publication, the Commission shall permit the respondents, the
23 Township Inspector General, and Attorney General to review
24 documents to be made public and offer suggestions for
25 redaction or provide a response that shall be made public with

1 the summary report.

2 (c) The Commission may withhold publication of the report
3 or response if the Township Inspector General or Attorney
4 General certifies that releasing the report to the public will
5 interfere with an ongoing investigation.

6 (60 ILCS 1/103-60 new)

7 Sec. 103-60. Cooperation in investigations. It is the duty
8 of every officer and employee under the jurisdiction of the
9 Township Inspector General to cooperate with the Township
10 Inspector General and the Attorney General in any
11 investigation undertaken pursuant to this Article. Failure to
12 cooperate includes, but is not limited to, intentional
13 omissions and knowing false statements. Failure to cooperate
14 with an investigation of the Township Inspector General or the
15 Attorney General is grounds for disciplinary action, including
16 dismissal. Nothing in this Section limits or alters a person's
17 existing rights or protections under State or federal law.

18 (60 ILCS 1/103-65 new)

19 Sec. 103-65. Referrals of investigations. If the Township
20 Inspector General determines that any alleged misconduct
21 involves any person not subject to the jurisdiction of the
22 Township Ethics Commission, the Township Inspector General
23 shall refer the reported allegations to the appropriate
24 inspector general, appropriate ethics commission, or other

1 appropriate body. If the Township Inspector General determines
2 that any alleged misconduct may give rise to criminal
3 penalties, the Township Inspector General may refer the
4 allegations regarding that misconduct to the appropriate law
5 enforcement authority. If a Township Inspector General
6 determines that any alleged misconduct resulted in the loss of
7 public funds in an amount of \$5,000 or greater, the Township
8 Inspector General shall refer the allegations regarding that
9 misconduct to the Attorney General and any other appropriate
10 law enforcement authority.

11 (60 ILCS 1/103-70 new)

12 Sec. 103-70. Quarterly reports by the Attorney General.
13 The Attorney General shall submit quarterly reports to the
14 Township Ethics Commission, on dates determined by the
15 Township Ethics Commission, indicating:

16 (1) the number of complaints received from the
17 Township Inspector General since the date of the last
18 report;

19 (2) the number of complaints for which the Attorney
20 General has determined reasonable cause exists to believe
21 that a violation has occurred since the date of the last
22 report; and

23 (3) the number of complaints still under review by the
24 Attorney General.