

1 AN ACT concerning ethics.

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

4 ARTICLE 1
5 GENERAL PROVISIONS

6 Section 1-1. Short title. This Act may be cited as the
7 State Officials and Employees Ethics Act.

8 Section 1-5. Definitions. As used in this Act:

9 "Appointee" means a person appointed to a position in or
10 with a State agency, regardless of whether the position is
11 compensated.

12 "Campaign for elective office" means any activity in
13 furtherance of an effort to influence the selection,
14 nomination, election, or appointment of any individual to any
15 federal, State, or local public office or office in a
16 political organization, or the selection, nomination, or
17 election of Presidential or Vice-Presidential electors, but
18 does not include activities (i) relating to the support or
19 opposition of any executive, legislative, or administrative
20 action (as those terms are defined in Section 2 of the
21 Lobbyist Registration Act), (ii) relating to collective
22 bargaining, or (iii) that are otherwise in furtherance of the
23 person's official State duties.

24 "Candidate" means a person who has filed nominating
25 papers or petitions for nomination or election to an elected
26 State office, or who has been appointed to fill a vacancy in
27 nomination, and who remains eligible for placement on the
28 ballot at either a general primary election or general
29 election.

30 "Collective bargaining" has the same meaning as that term

1 is defined in Section 3 of the Illinois Public Labor
2 Relations Act.

3 "Compensated time" means any time worked by or credited
4 to a State employee that counts toward any minimum work time
5 requirement imposed as a condition of employment with a State
6 agency, but does not include any designated State holidays or
7 any period when the employee is on a leave of absence.

8 "Compensatory time off" means authorized time off earned
9 by or awarded to a State employee to compensate in whole or
10 in part for time worked in excess of the minimum work time
11 required of that employee as a condition of employment with a
12 State agency.

13 "Contribution" has the same meaning as that term is
14 defined in Section 9-1.4 of the Election Code.

15 "Employee" means (i) any person employed full-time,
16 part-time, or pursuant to a contract and whose employment
17 duties are subject to the direction and control of an
18 employer with regard to the material details of how the work
19 is to be performed; or (ii) any appointee.

20 "Executive branch constitutional officer" means the
21 Governor, Lieutenant Governor, Attorney General, Secretary of
22 State, Comptroller, and Treasurer.

23 "Governmental entity" means a unit of local government or
24 a school district but not a State agency.

25 "Leave of absence" means any period during which a State
26 employee does not receive (i) compensation for State
27 employment, (ii) service credit towards State pension
28 benefits, and (iii) health insurance benefits paid for by the
29 State.

30 "Legislative branch constitutional officer" means a
31 member of the General Assembly and the Auditor General.

32 "Legislative leader" means the President and Minority
33 Leader of the Senate and the Speaker and Minority Leader of
34 the House of Representatives.

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

2 "Officer" means a State constitutional officer of the
3 executive or legislative branch.

4 "Political" means any activity in support of or in
5 connection with any campaign for elective office or any
6 political organization, but does not include activities (i)
7 relating to the support or opposition of any executive,
8 legislative, or administrative action (as those terms are
9 defined in Section 2 of the Lobbyist Registration Act), (ii)
10 relating to collective bargaining, or (iii) that are
11 otherwise in furtherance of the person's official State
12 duties.

13 "Political organization" means a party, committee,
14 association, fund, or other organization (whether or not
15 incorporated) that is required to file a statement of
16 organization with the State Board of Elections or a county
17 clerk under Section 9-3 of the Election Code, but only with
18 regard to those activities that require filing with the State
19 Board of Elections or a county clerk.

20 "Prohibited political activity" means:

21 (1) Preparing for, organizing, or participating in
22 any political meeting, political rally, political
23 demonstration, or other political event.

24 (2) Soliciting contributions, including but not
25 limited to the purchase of, selling, distributing, or
26 receiving payment for tickets for any political
27 fundraiser, political meeting, or other political event.

28 (3) Soliciting, planning the solicitation of, or
29 preparing any document or report regarding any thing of
30 value intended as a campaign contribution.

31 (4) Planning, conducting, or participating in a
32 public opinion poll in connection with a campaign for
33 elective office or on behalf of a political organization
34 for political purposes or for or against any referendum

1 question.

2 (5) Surveying or gathering information from
3 potential or actual voters in an election to determine
4 probable vote outcome in connection with a campaign for
5 elective office or on behalf of a political organization
6 for political purposes or for or against any referendum
7 question.

8 (6) Assisting at the polls on election day on
9 behalf of any political organization or candidate for
10 elective office or for or against any referendum
11 question.

12 (7) Soliciting votes on behalf of a candidate for
13 elective office or a political organization or for or
14 against any referendum question or helping in an effort
15 to get voters to the polls.

16 (8) Initiating for circulation, preparing,
17 circulating, reviewing, or filing any petition on behalf
18 of a candidate for elective office or for or against any
19 referendum question.

20 (9) Making contributions on behalf of any candidate
21 for elective office in that capacity or in connection
22 with a campaign for elective office.

23 (10) Preparing or reviewing responses to candidate
24 questionnaires.

25 (11) Distributing, preparing for distribution, or
26 mailing campaign literature, campaign signs, or other
27 campaign material on behalf of any candidate for elective
28 office or for or against any referendum question.

29 (12) Campaigning for any elective office or for or
30 against any referendum question.

31 (13) Managing or working on a campaign for elective
32 office or for or against any referendum question.

33 (14) Serving as a delegate, alternate, or proxy to
34 a political party convention.

1 (15) Participating in any recount or challenge to
2 the outcome of any election, except to the extent that
3 under subsection (d) of Section 6 of Article IV of the
4 Illinois Constitution each house of the General Assembly
5 shall judge the elections, returns, and qualifications of
6 its members.

7 "State agency" includes all officers, boards, commissions
8 and agencies created by the Constitution, whether in the
9 executive or legislative branch; all officers, departments,
10 boards, commissions, agencies, institutions, authorities,
11 public institutions of higher learning as defined in Section
12 2 of the Higher Education Cooperation Act, and bodies politic
13 and corporate of the State; and administrative units or
14 corporate outgrowths of the State government which are
15 created by or pursuant to statute, other than units of local
16 government and their officers, school districts, and boards
17 of election commissioners; and all administrative units and
18 corporate outgrowths of the above and as may be created by
19 executive order of the Governor. "State agency" includes the
20 General Assembly, the Senate, the House of Representatives,
21 the President and Minority Leader of the Senate, the Speaker
22 and Minority Leader of the House of Representatives, the
23 Senate Operations Commission, and the legislative support
24 services agencies. "State agency" includes the Office of the
25 Auditor General. "State agency" does not include the judicial
26 branch.

27 "State employee" means any employee of a State agency.

28 "Ultimate jurisdictional authority" means the following:

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

34 (2) For State employees who are professional staff

1 or employees of the Senate and not covered under item
2 (1), the Senate Operations Commission.

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

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

10 (5) For State employees of the Auditor General, the
11 Auditor General.

12 (6) For State employees of public institutions of
13 higher learning as defined in Section 2 of the Higher
14 Education Cooperation Act, the board of trustees of the
15 appropriate public institution of higher learning.

16 (7) For State employees of an executive branch
17 constitutional officer other than those described in
18 paragraph (6), the appropriate executive branch
19 constitutional officer.

20 (8) For State employees not under the jurisdiction
21 of paragraph (1), (2), (3), (4), (5), (6), or (7), the
22 Governor.

23 Section 1-10. Applicability. The State Officials and
24 Employees Ethics Act applies only to conduct that occurs on
25 or after the effective date of this Act and to causes of
26 action that accrue on or after the effective date of this
27 Act.

28 ARTICLE 5
29 ETHICAL CONDUCT

30 Section 5-5. Personnel policies.

31 (a) Each of the following shall adopt and implement

1 personnel policies for all State employees under his, her, or
2 its jurisdiction and control: (i) each executive branch
3 constitutional officer, (ii) each legislative leader, (iii)
4 the Senate Operations Commission, with respect to legislative
5 employees under Section 4 of the General Assembly Operations
6 Act, (iv) the Speaker of the House of Representatives, with
7 respect to legislative employees under Section 5 of the
8 General Assembly Operations Act, (v) the Joint Committee on
9 Legislative Support Services, with respect to State employees
10 of the legislative support services agencies, (vi) members of
11 the General Assembly, with respect to legislative assistants,
12 as provided in Section 4 of the General Assembly Compensation
13 Act, (vii) the Auditor General, (viii) the Board of Higher
14 Education, with respect to State employees of public
15 institutions of higher learning except community colleges,
16 and (ix) the Illinois Community College Board, with respect
17 to State employees of community colleges. The Governor shall
18 adopt and implement those policies for all State employees of
19 the executive branch not under the jurisdiction and control
20 of any other executive branch constitutional officer.

21 (b) The policies required under subsection (a) shall
22 include policies relating to work time requirements,
23 documentation of time worked, documentation for reimbursement
24 for travel on official State business, compensation, and the
25 earning or accrual of State benefits for all State employees
26 who may be eligible to receive those benefits. The policies
27 shall comply with and be consistent with all other applicable
28 laws. For State employees of the legislative branch, the
29 policies shall require those employees to periodically submit
30 time sheets documenting the time spent each day on official
31 State business to the nearest quarter hour; contractual
32 employees of the legislative branch may satisfy the time
33 sheets requirement by complying with the terms of their
34 contract, which shall provide for a means of compliance with

1 this requirement. The policies for State employees of the
2 legislative branch shall require those time sheets to be
3 submitted on paper, electronically, or both and to be
4 maintained in either paper or electronic format by the
5 applicable fiscal office for a period of at least 2 years.

6 Section 5-10. Ethics training. Each officer and
7 employee must complete, at least annually, an ethics training
8 program conducted by the appropriate ethics officer appointed
9 under the State Gift Ban Act. Each ultimate jurisdictional
10 authority must implement an ethics training program for its
11 officers and employees. A person who fills a vacancy in an
12 elective or appointed position that requires training and a
13 person employed in a position that requires training must
14 complete his or her initial ethics training within 6 months
15 after commencement of his or her office or employment.

16 Section 5-15. Prohibited political activities.

17 (a) State employees shall not intentionally perform any
18 prohibited political activity during any compensated time
19 (other than vacation, personal, or compensatory time off).
20 State employees shall not intentionally misappropriate any
21 State property or resources by engaging in any prohibited
22 political activity for the benefit of any campaign for
23 elective office or any political organization.

24 (b) At no time shall any executive or legislative branch
25 constitutional officer or any official, director, supervisor,
26 or State employee intentionally misappropriate the services
27 of any State employee by requiring that State employee to
28 perform any prohibited political activity (i) as part of that
29 employee's State duties, (ii) as a condition of State
30 employment, or (iii) during any time off that is compensated
31 by the State (such as vacation, personal, or compensatory
32 time off).

1 (c) A State employee shall not be required at any time
2 to participate in any prohibited political activity in
3 consideration for that State employee being awarded any
4 additional compensation or employee benefit, in the form of a
5 salary adjustment, bonus, compensatory time off, continued
6 employment, or otherwise.

7 (d) A State employee shall not be awarded any additional
8 compensation or employee benefit, in the form of a salary
9 adjustment, bonus, compensatory time off, continued
10 employment, or otherwise, in consideration for the State
11 employee's participation in any prohibited political
12 activity.

13 (e) Nothing in this Section prohibits activities that
14 are otherwise appropriate for a State employee to engage in
15 as a part of his or her official State employment duties or
16 activities that are undertaken by a State employee on a
17 voluntary basis as permitted by law.

18 (f) No person either (i) in a position that is subject
19 to recognized merit principles of public employment or (ii)
20 in a position the salary for which is paid in whole or in
21 part by federal funds and that is subject to the Federal
22 Standards for a Merit System of Personnel Administration
23 applicable to grant-in-aid programs, shall be denied or
24 deprived of State employment or tenure solely because he or
25 she is a member or an officer of a political committee, of a
26 political party, or of a political organization or club.

27 Section 5-20. Public service announcements.

28 (a) Except as otherwise provided in this Section, no
29 public service announcement or advertisement that is on
30 behalf of any State administered program and that contains
31 the image or voice of any executive branch constitutional
32 officer or member of the General Assembly shall be broadcast
33 or aired on radio or television or printed in a newspaper at

1 any time on or after the date that the officer or member
2 files his or her nominating petitions for public office and
3 for any time thereafter that the officer or member remains a
4 candidate for any office.

5 (b) This Section does not apply to communications funded
6 through expenditures required to be reported under Article 9
7 of the Election Code.

8 Section 5-30. Prohibited offer or promise. An officer or
9 employee of the executive or legislative branch or a
10 candidate for an executive or legislative branch office may
11 not promise anything of value related to State government,
12 including but not limited to positions in State government,
13 promotions, or salary increases, in consideration for a
14 contribution to a political committee, political party, or
15 other entity that has as one of its purposes the financial
16 support of a candidate for elective office.

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

19 Section 5-35. Contributions on State property.
20 Contributions shall not be intentionally solicited, accepted,
21 offered, or made on State property by public officials, by
22 State employees, by candidates for elective office, by
23 persons required to be registered under the Lobbyist
24 Registration Act, or by any officers, employees, or agents of
25 any political organization, except as provided in this
26 Section. For purposes of this Section, "State property" means
27 any building or portion thereof owned or exclusively leased
28 by the State or any State agency at the time the contribution
29 is solicited, offered, accepted, or made. "State property"
30 does not however, include any portion of a building that is
31 rented or leased from the State or any State agency by a
32 private person or entity.

1 An inadvertent solicitation, acceptance, offer, or making
2 of a contribution is not a violation of this Section so long
3 as reasonable and timely action is taken to return the
4 contribution to its source.

5 The provisions of this Section do not apply to the
6 residences of State officers and employees, except that no
7 fundraising events shall be held at residences owned by the
8 State or paid for, in whole or in part, with State funds.

9 Section 5-40. Fundraising in Sangamon County. Except as
10 provided in this Section, any executive branch constitutional
11 officer, any candidate for an executive branch constitutional
12 office, any member of the General Assembly, any candidate for
13 the General Assembly, any political caucus of the General
14 Assembly, or any political committee on behalf of any of the
15 foregoing may not hold a fundraising function in Sangamon
16 County on any day the legislature is in session (i) during
17 the period beginning February 1 and ending on the later of
18 the actual adjournment dates of either house of the spring
19 session and (ii) during fall veto session. For purposes of
20 this Section, the legislature is not considered to be in
21 session on a day that is solely a perfunctory session day or
22 on a day when only a committee is meeting.

23 During the period beginning June 1 and ending on the
24 first day of fall veto session each year, this Section does
25 not apply to (i) a member of the General Assembly whose
26 legislative or representative district is entirely within
27 Sangamon County or (ii) a candidate for the General Assembly
28 from that legislative or representative district.

29 Section 5-45. Procurement; revolving door prohibition.

30 (a) No former State employee may, within a period of one
31 year immediately after termination of State employment,
32 knowingly accept employment or receive compensation or fees

1 for services from an employer if the employee, during the
2 year immediately preceding termination of State employment,
3 and on behalf of the State or State agency, negotiated in
4 whole or in part one or more contracts with that employer
5 aggregating \$25,000 or more.

6 (b) The requirements of this Section may be waived by
7 the appropriate ultimate jurisdictional authority of the
8 former State employee if that ultimate jurisdictional
9 authority finds in writing that the State's negotiations and
10 decisions regarding the procurement of the contract or
11 contracts were not materially affected by any potential for
12 employment of that employee by the employer.

13 (c) This Section applies only to persons who terminate
14 an affected position on or after the effective date of this
15 Act.

16 ARTICLE 15

17 WHISTLE BLOWER PROTECTION

18 Section 15-5. Definitions. In this Article:

19 "Public body" means (1) any officer, member, or State
20 agency; (2) the federal government; (3) any local law
21 enforcement agency or prosecutorial office; (4) any federal
22 or State judiciary, grand or petit jury, law enforcement
23 agency, or prosecutorial office; and (5) any officer,
24 employee, department, agency, or other division of any of the
25 foregoing.

26 "Supervisor" means an officer, a member, or a State
27 employee who has the authority to direct and control the work
28 performance of a State employee or who has authority to take
29 corrective action regarding any violation of a law, rule, or
30 regulation of which the State employee complains.

31 "Retaliatory action" means the reprimand, discharge,
32 suspension, demotion, or denial of promotion or transfer of

1 any State employee in the terms and conditions of employment,
2 and that is taken in retaliation for a State employee's
3 involvement in protected activity, as set forth in Section
4 15-10.

5 Section 15-10. Protected activity. An officer, a member,
6 or a State agency shall not take any retaliatory action
7 against a State employee because the State employee does any
8 of the following:

9 (1) Discloses or threatens to disclose to a supervisor
10 or to a public body an activity, policy, or practice of any
11 officer, member, State agency, or other State employee that
12 the State employee reasonably believes is in violation of a
13 law, rule, or regulation.

14 (2) Provides information to or testifies before any
15 public body conducting an investigation, hearing, or inquiry
16 into any violation of a law, rule, or regulation by any
17 officer, member, State agency, or other State employee.

18 (3) Assists or participates in a proceeding to enforce
19 the provisions of this Act.

20 Section 15-20. Burden of proof. A violation of this
21 Article may be established only upon a finding that (i) the
22 State employee engaged in conduct described in Section 15-10
23 and (ii) that conduct was a contributing factor in the
24 retaliatory action alleged by the State employee. It is not
25 a violation, however, if it is demonstrated that the officer,
26 member, other State employee, or State agency would have
27 taken the same unfavorable personnel action in the absence of
28 that conduct.

29 Section 15-25. Remedies. The State employee may be
30 awarded all remedies necessary to make the State employee
31 whole and to prevent future violations of this Article.

1 Remedies imposed by the court may include, but are not
2 limited to, all of the following:

3 (1) reinstatement of the employee to either the same
4 position held before the retaliatory action or to an
5 equivalent position;

6 (2) 2 times the amount of back pay;

7 (3) interest on the back pay; and

8 (4) the reinstatement of full fringe benefits and
9 seniority rights.

10 Section 15-35. Preemption. Nothing in this Article shall
11 be deemed to diminish the rights, privileges, or remedies of
12 a State employee under any other federal or State law, rule,
13 or regulation or under any collective bargaining agreement or
14 employment contract.

15 ARTICLE 50

16 PENALTIES

17 Section 50-5. Penalties.

18 (a) A person is guilty of a Class A misdemeanor if that
19 person intentionally violates any provision of Section 5-15,
20 5-30, 5-40, or 5-45 or Article 15.

21 (b) A person who intentionally violates any provision of
22 Section 5-20 or Section 5-35 is guilty of a business offense
23 subject to a fine of at least \$1,001 and up to \$5,000.

24 (c) In addition to any other penalty that may apply,
25 whether criminal or civil, a director, a supervisor, or a
26 State employee who intentionally violates any provision of
27 Section 5-15, 5-20, 5-30, 5-35, or 5-40 or Article 15 is
28 subject to discipline or discharge by the appropriate
29 ultimate jurisdictional authority.

30 ARTICLE 70

1

GOVERNMENTAL ENTITIES

2

Section 70-5. Adoption by governmental entities.

3

(a) Within 6 months after the effective date of this Act, each governmental entity shall adopt an ordinance or resolution that regulates, in a manner no less restrictive than Section 5-15 of this Act, the political activities of officers and employees of the governmental entity.

8

(b) The Attorney General shall develop model ordinances and resolutions for the purpose of this Article and shall advise governmental entities on their contents and adoption.

11

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

15

Section 70-10. Penalties. A governmental entity may provide in the ordinance or resolution required by this Article for penalties similar to those provided in this Act for similar conduct.

19

Section 70-15. Home rule preemption. This Article is a denial and limitation of home rule powers and functions in accordance with subsection (i) of Section 6 of Article VII of the Illinois Constitution. A home rule unit may not regulate the political activities of its officers and employees in a manner less restrictive than the provisions of this Act.

25

ARTICLE 90

26

AMENDATORY PROVISIONS

27

Section 90-3. The Illinois Administrative Procedure Act is amended by adding Section 5-165 as follows:

28

1 (5 ILCS 100/5-165 new)

2 Sec. 5-165. Ex parte communications in rulemaking.

3 (a) Notwithstanding any law to the contrary, this
4 Section applies to ex parte communications made during the
5 rulemaking process.

6 (b) "Ex parte communication" means any written or oral
7 communication by any person required to be registered under
8 the Lobbyist Registration Act to an agency, agency head,
9 administrative law judge, or other agency employee during the
10 rulemaking period that imparts material information or
11 argument regarding potential action concerning general,
12 emergency, or peremptory rulemaking under this Act. For
13 purposes of this Section, the rulemaking period begins upon
14 the commencement of the first notice period with respect to
15 general rulemaking under Section 5-40, upon the filing of a
16 notice of emergency rulemaking under Section 5-45, or upon
17 the filing of a notice of rulemaking with respect to
18 peremptory rulemaking under Section 5-50. "Ex parte
19 communication" does not include the following: (i) statements
20 by a person publicly made in a public forum; (ii) statements
21 regarding matters of procedure and practice, such as the
22 format of public comments, the number of copies required, the
23 manner of filing such comments, and the status of a
24 rulemaking proceeding; and (iii) statements made by a State
25 official or State employee.

26 (c) An ex parte communication received by any agency
27 head, agency employee, or administrative law judge shall be
28 made a part of the record of the rulemaking proceeding,
29 including all written communications, all written responses
30 to the communications, and a memorandum stating the substance
31 of all oral communications and all responses made and the
32 identity of each person from whom the ex parte communication
33 was received. The disclosure shall also contain the date of
34 any ex parte communication.

1 (5 ILCS 320/Act rep.)

2 Section 90-6. The State Employees Political Activity Act
3 is repealed on the effective date of the State Officials and
4 Employees Ethics Act.

5 Section 90-7. The Illinois Governmental Ethics Act is
6 amended by adding Article 3A as follows:

7 (5 ILCS 420/Art. 3A heading new)

8 ARTICLE 3A

9 GOVERNMENTAL APPOINTEES

10 (5 ILCS 420/3A-5 new)

11 Sec. 3A-5. Definitions. As used in this Article:

12 "Late term appointee" means a person who is appointed to
13 an office by a Governor who does not succeed himself or
14 herself as Governor, whose appointment requires the advice
15 and consent of the Senate, and whose appointment is confirmed
16 by the Senate 90 or fewer days before the end of the
17 appointing Governor's term.

18 "Succeeding Governor" means the Governor in office
19 immediately after a Governor who appoints a late term
20 appointee.

21 (5 ILCS 420/3A-10 new)

22 Sec. 3A-10. Late term appointee's term of office. A
23 late term appointee shall serve no longer than the sixtieth
24 day of the term of office of the succeeding Governor.

25 (5 ILCS 420/3A-15 new)

26 Sec. 3A-15. Vacancy created. Upon the earlier of the
27 resignation of a late term appointee or the conclusion of the
28 sixtieth day of the term of the succeeding Governor, that
29 appointed office shall be considered vacant. The succeeding

1 Governor may then make an appointment to fill that vacancy,
2 regardless of whether the statute that creates the appointed
3 office provides for appointment to fill a vacancy. All other
4 requirements of law applicable to that appointed office shall
5 apply to the succeeding Governor's appointee, including but
6 not limited to eligibility, qualifications, and confirmation
7 by the Senate.

8 (5 ILCS 420/3A-20 new)

9 Sec. 3A-20. Term of appointee. The term of office of
10 an appointee filling a vacancy created under Section 3A-15
11 shall be the term of any appointee filling a vacancy as
12 provided by the statute that creates the appointed office.
13 If the statute that creates the appointed office does not
14 specify the term to be served by an appointee filling a
15 vacancy, the term of the appointee shall be for the remainder
16 of the term the late term appointee would have otherwise been
17 entitled to fill.

18 (5 ILCS 420/3A-25 new)

19 Sec. 3A-25. Reappointment. Nothing in this Article
20 prohibits a succeeding Governor from reappointing an
21 otherwise qualified late term appointee to fill the vacancy
22 created under Section 3A-15.

23 (5 ILCS 420/3A-30 new)

24 Sec. 3A-30. Disclosure.

25 (a) Upon appointment to a board, commission, authority,
26 or task force authorized or created by State law, a person
27 must file with the Secretary of State a disclosure of all
28 contracts the person or his or her spouse or immediate family
29 members living with the person have with the State and all
30 contracts between the State and any entity in which the
31 person or his or her spouse or immediate family members

1 living with the person have a majority financial interest.

2 (b) Violation of this Section is a business offense
3 punishable by a fine of \$1,001.

4 (c) The Secretary of State must adopt rules for the
5 implementation and administration of this Section.
6 Disclosures filed under this Section are public records.

7 (5 ILCS 420/3A-35 new)

8 Sec. 3A-35. Conflicts of interests.

9 (a) In addition to the provisions of subsection (a) of
10 Section 50-13 of the Illinois Procurement Code, it is
11 unlawful for an appointed member of a board, commission,
12 authority, or task force authorized or created by State law
13 or by executive order of the Governor, the spouse of the
14 appointee, or an immediate family member of the appointee
15 living in the appointee's residence to have or acquire a
16 contract or have or acquire a direct pecuniary interest in a
17 contract with the State that relates to the board,
18 commission, authority, or task force of which he or she is an
19 appointee during and for one year after the conclusion of the
20 person's term of office.

21 (b) If (i) a person subject to subsection (a) is
22 entitled to receive more than 7 1/2% of the total
23 distributable income of a partnership, association,
24 corporation, or other business entity or (ii) a person
25 subject to subsection (a) together with his or her spouse and
26 immediate family members living in that person's residence
27 are entitled to receive more than 15%, in the aggregate, of
28 the total distributable income of a partnership, association,
29 corporation, or other business entity then it is unlawful for
30 that partnership, association, corporation, or other business
31 entity to have or acquire a contract or a direct pecuniary
32 interest in a contract prohibited by subsection (a) during
33 and for one year after the conclusion of the person's term of

1 office.

2 Section 90-10. The Election Code is amended by changing
3 Sections 9-1.5, 9-3, 9-4, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23,
4 and 9-27.5 and by adding Sections 9-1.14 and 9-30 as follows:

5 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

6 Sec. 9-1.5. Expenditure defined

7 "Expenditure" means-

8 (1) a payment, distribution, purchase, loan,
9 advance, deposit, or gift of money or anything of value,
10 in connection with the nomination for election, or
11 election, of any person to public office, in connection
12 with the election of any person as ward or township
13 committeeman in counties of 3,000,000 or more population,
14 or in connection with any question of public policy.

15 "Expenditure" also includes a payment, distribution,
16 purchase, loan, advance, deposit, or gift of money or
17 anything of value that constitutes an electioneering
18 communication regardless of whether the communication is
19 made in concert or cooperation with or at the request,
20 suggestion, or knowledge of the candidate, the
21 candidate's authorized local political committee, a State
22 political committee, or any of their agents. However,
23 expenditure does not include -

24 (a) the use of real or personal property and the
25 cost of invitations, food, and beverages, voluntarily
26 provided by an individual in rendering voluntary personal
27 services on the individual's residential premises for
28 candidate-related activities; provided the value of the
29 service provided does not exceed an aggregate of \$150 in
30 a reporting period;

31 (b) the sale of any food or beverage by a vendor
32 for use in a candidate's campaign at a charge less than

1 the normal comparable charge, if such charge for use in a
2 candidate's campaign is at least equal to the cost of
3 such food or beverage to the vendor.

4 (2) a transfer of funds between political committees.

5 (Source: P.A. 89-405, eff. 11-8-95.)

6 (10 ILCS 5/9-1.14 new)

7 Sec. 9-1.14. Electioneering communication defined.

8 (a) "Electioneering communication" means, for the
9 purposes of this Article, any form of communication, in
10 whatever medium, including but not limited to, newspaper,
11 radio, television, or Internet communications, that refers to
12 a clearly identified candidate, candidates, or political
13 party and is made within (i) 60 days before a general
14 election for the office sought by the candidate or (ii) 30
15 days before a general primary election for the office sought
16 by the candidate.

17 (b) "Electioneering communication" does not include:

18 (1) A communication, other than an advertisement,
19 appearing in a news story, commentary, or editorial
20 distributed through the facilities of any legitimate news
21 organization, unless the facilities are owned or
22 controlled by any political party, political committee,
23 or candidate.

24 (2) A communication made solely to promote a
25 candidate debate or forum that is made by or on behalf of
26 the person sponsoring the debate or forum.

27 (3) A communication made as part of a non-partisan
28 activity designed to encourage individuals to vote or to
29 register to vote.

30 (4) A communication by an organization operating
31 and remaining in good standing under Section 501(c)(3) of
32 the Internal Revenue Code of 1986.

1 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

2 Sec. 9-3. Every state political committee and every
3 local political committee shall file with the State Board of
4 Elections, and every local political committee shall file
5 with the county clerk, a statement of organization within 10
6 business days of the creation of such committee, except any
7 political committee created within the 30 days before an
8 election shall file a statement of organization within 5
9 business days. A political committee that acts as both a
10 state political committee and a local political committee
11 shall file a copy of each statement of organization with the
12 State Board of Elections and the county clerk. The Board
13 shall impose a civil penalty of \$25 per business day upon
14 political committees for failing to file or late filing of a
15 statement of organization, except that for committees formed
16 to support candidates for statewide office, the civil penalty
17 shall be \$50 per business day. Such penalties shall not
18 exceed \$5,000, and shall not exceed \$10,000 for statewide
19 office political committees. There shall be no fine if the
20 statement is mailed and postmarked at least 72 hours prior to
21 the filing deadline.

22 In addition to the civil penalties authorized by this
23 Section, the State Board of Elections or any other affected
24 political committee may apply to the circuit court for a
25 temporary restraining order or a preliminary or permanent
26 injunction against the political committee to cease the
27 expenditure of funds and to cease operations until the
28 statement of organization is filed.

29 For the purpose of this Section, "statewide office" means
30 the Governor, Lieutenant Governor, Secretary of State,
31 Attorney General, State Treasurer, and State Comptroller.

32 The statement of organization shall include -

33 (a) the name and address of the political committee (the
34 name of the political committee must include the name of any

1 sponsoring entity);

2 (b) the scope, area of activity, party affiliation,
3 candidate affiliation and his county of residence, and
4 purposes of the political committee;

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

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

10 (e) (Blank);

11 (f) a statement of what specific disposition of residual
12 fund will be made in the event of the dissolution or
13 termination of the committee;

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

17 (h) the amount of funds available for campaign
18 expenditures as of the filing date of the committee's
19 statement of organization.

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

28 (10 ILCS 5/9-4) (from Ch. 46, par. 9-4)

29 Sec. 9-4. The statement of organization required by this
30 Article to be filed in accordance with Section 9-3 shall be
31 verified, dated, and signed by either the treasurer of the
32 political committee making the statement or the candidate on
33 whose behalf the statement is made, and shall contain

1 substantially the following:

2 STATEMENT OF ORGANIZATION

3 (a) name and address of the political committee:

4

5 (b) scope, area of activity, party affiliation,
6 candidate affiliation and his county of residence, and
7 purposes of the political committee:

8

9

10

11

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

14

15

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

19

20

21

22 (e) a statement of what specific disposition of
23 residual funds will be made in the event of the dissolution
24 or termination of the committee:

25

26

27 (f) a listing of all banks or other financial
28 institutions, safety deposit boxes, and any other
29 repositories or custodians of funds used by the committee:

30

31

32 (g) the amount of funds available for campaign
33 expenditures as of the filing date of the committee's
34 statement of organization:

1

2 VERIFICATION:

3 "I declare that this statement of organization (including
4 any accompanying schedules and statements) has been examined
5 by me and to the best of my knowledge and belief is a true,
6 correct and complete statement of organization as required by
7 Article 9 of The Election Code. I understand that the ~~penalty~~
8 ~~for~~ willfully filing a false or incomplete statement is a
9 business offense subject to a fine of at least \$1,001 and up
10 to \$5,000 ~~shall be a fine not to exceed \$500 or imprisonment~~
11 ~~in a penal institution other than the penitentiary not to~~
12 ~~exceed 6 months, or both fine and imprisonment.~~"

13
14 (date of filing) (signature of person making the statement)

15 (Source: P.A. 90-495, eff. 1-1-98.)

16 (10 ILCS 5/9-8.10)

17 Sec. 9-8.10. Use of political committee and other
18 reporting organization funds.

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

21 (1) In violation of any law of the United States or
22 of this State.

23 (2) Clearly in excess of the fair market value of
24 the services, materials, facilities, or other things of
25 value received in exchange.

26 (3) For satisfaction or repayment of any debts
27 other than loans made to the committee or to the public
28 official or candidate on behalf of the committee or
29 repayment of goods and services purchased by the
30 committee under a credit agreement. Nothing in this
31 Section authorizes the use of campaign funds to repay
32 personal loans. The repayments shall be made by check
33 written to the person who made the loan or credit

1 agreement. The terms and conditions of any loan or
2 credit agreement to a committee shall be set forth in a
3 written agreement, including but not limited to the
4 method and amount of repayment, that shall be executed by
5 the chairman or treasurer of the committee at the time of
6 the loan or credit agreement. The loan or agreement
7 shall also set forth the rate of interest for the loan,
8 if any, which may not substantially exceed the prevailing
9 market interest rate at the time the agreement is
10 executed.

11 (4) For the satisfaction or repayment of any debts
12 or for the payment of any expenses relating to a personal
13 residence. Campaign funds may not be used as collateral
14 for home mortgages.

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

21 (6) For the travel expenses of any person unless
22 the travel is necessary for fulfillment of political,
23 governmental, or public policy duties, activities, or
24 purposes.

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

31 (8) In payment for anything of value or for
32 reimbursement of any expenditure for which any person has
33 been reimbursed by the State or any person. For purposes
34 of this item (8), a per diem allowance is not a

1 reimbursement.

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

19 (10) Directly for an individual's tuition or other
20 educational expenses, except for governmental or
21 political purposes directly related to a candidate's or
22 public official's duties and responsibilities.

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

33 (b) The Board shall have the authority to investigate,
34 upon receipt of a verified complaint, violations of the

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

12 (c) Nothing in this Section prohibits the expenditure of
13 funds of (i) a political committee controlled by an
14 officeholder or by a candidate or (ii) an organization
15 subject to Section 9-7.5 to defray the ordinary and necessary
16 expenses of an officeholder in connection with the
17 performance of governmental duties. For the purposes of this
18 subsection, "ordinary and necessary expenses" include, but
19 are not limited to, expenses in relation to the operation of
20 the district office of a member of the General Assembly.

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

22 (10 ILCS 5/9-8.15)

23 Sec. 9-8.15. Contributions on State property. In
24 addition to any other provision of this Code, the
25 solicitation, acceptance, offer, and making of contributions
26 on State property by public officials, State employees,
27 candidates for elective office, and others are subject to the
28 State Officials and Employees Ethics Act. If a political
29 committee receives and retains a contribution that is in
30 violation of Section 5-35 of the State Officials and
31 Employees Ethics Act, then the State Board may impose a civil
32 penalty upon that political committee in an amount equal to
33 100% of that contribution. Contributions--shall--not--be

1 knowingly-offered-or-accepted--on--a--face-to-face--basis--by
2 public--officials--or--employees--or--by--candidates-on-State
3 property-except-as-provided-in-this-Section.

4 Contributions-may-be-solicited, offered, or--accepted--on
5 State-property-on-a-face-to-face-basis-by-public-officials-or
6 employees--or--by-candidates-at-a-fundraising-event-for-which
7 the-State-property-is-leased-or-rented.

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

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

18 (10 ILCS 5/9-9.5)

19 Sec. 9-9.5. Disclosures in political communications
20 Disclosure--on-political-literature. Any political committee,
21 organized under the Election Code, that makes an expenditure
22 for a pamphlet, circular, handbill, radio, television, or
23 print advertisement, or other communication directed at
24 voters and mentioning the name of a candidate in the next
25 upcoming election shall ensure that the name of the political
26 committee paying for any part of the communication,
27 including, but not limited to, its preparation and
28 distribution, is identified clearly within the communication
29 as the payor. This Section does not apply to items that are
30 too small to contain the required disclosure. Any-pamphlet,
31 circular,--handbill,--advertisement,---or---other---political
32 literature--that--supports--or--opposes--any-public-official,
33 candidate-for-public-office, or-question-of-public-policy, or

1 that-would-have-the-effect--of--supporting--or--opposing--any
 2 public--official, candidate-for-public-office, or-question-of
 3 public-policy, shall-contain-the-name-of--the--individual--or
 4 organization--that--authorized, caused-to-be-authorized, paid
 5 for, caused-to-be-paid--for,--or--distributed--the--pamphlet,
 6 circular,--handbill,--advertisement,--or--other--political
 7 literature.-If-the-individual--or--organization--includes--an
 8 address, it-must-be-an-actual-personal-or-business-address-of
 9 the-individual-or-business-address-of-the-organization.
 10 (Source: P.A. 90-737, eff. 1-1-99.)

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

13 (a) The treasurer of every state political committee and
 14 the treasurer of every local political committee shall file
 15 with the Board, and the treasurer of every local political
 16 committee shall file with the county clerk, reports of
 17 campaign contributions, and semi-annual reports of campaign
 18 contributions and expenditures on forms to be prescribed or
 19 approved by the Board. The treasurer of every political
 20 committee that acts as both a state political committee and a
 21 local political committee shall file a copy of each report
 22 with the State Board of Elections and the county clerk.
 23 Entities subject to Section 9-7.5 shall file reports required
 24 by that Section at times provided in this Section and are
 25 subject to the penalties provided in this Section.

26 (b) Reports of campaign contributions shall be filed no
 27 later than the 15th day next preceding each election
 28 including a primary election in connection with which the
 29 political committee has accepted or is accepting
 30 contributions or has made or is making expenditures. Such
 31 reports shall be complete as of the 30th day next preceding
 32 each election including a primary election. The Board shall
 33 assess a civil penalty not to exceed \$5,000 for a violation

1 of this subsection, except that for State officers and
2 candidates and political committees formed for statewide
3 office, the civil penalty may not exceed \$10,000. The fine,
4 however, shall not exceed \$500 for a first filing violation
5 for filing less than 10 days after the deadline. There shall
6 be no fine if the report is mailed and postmarked at least 72
7 hours prior to the filing deadline. For the purpose of this
8 subsection, "statewide office" and "State officer" means the
9 Governor, Lieutenant Governor, Attorney General, Secretary of
10 State, Comptroller, and Treasurer. However, a continuing
11 political committee that neither accepts contributions nor
12 makes expenditures on behalf of or in opposition to any
13 candidate or public question on the ballot at an election
14 shall not be required to file the reports heretofore
15 prescribed but may file in lieu thereof a Statement of
16 Nonparticipation in the Election with the Board or the Board
17 and the county clerk.

18 (b-5) Notwithstanding the provisions of subsection (b)
19 and Section 1.25 of the Statute on Statutes, any contribution
20 of more than \$500 ~~or more~~ received in the interim between the
21 last date of the period covered by the last report filed
22 under subsection (b) prior to the election and the date of
23 the election shall be filed with and must actually be
24 received by the State Board of Elections ~~reported~~ within 2
25 business days after ~~its~~ receipt of such contribution. The
26 State Board shall allow filings of reports of contributions
27 of more than \$500 under this subsection (b-5) by political
28 committees that are not required to file electronically to be
29 made by facsimile transmission. For the purpose of this
30 subsection, a contribution is considered received on the date
31 the public official, candidate, or political committee (or
32 equivalent person in the case of a reporting entity other
33 than a political committee) actually receives it or, in the
34 case of goods or services, 2 business days after the date the

1 public official, candidate, committee, or other reporting
 2 entity receives the certification required under subsection
 3 (b) of Section 9-6. Failure to report each contribution is a
 4 separate violation of this subsection. In the final
 5 disposition of any matter by the Board on or after the
 6 effective date of this amendatory Act of the 93rd General
 7 Assembly, the Board ~~may~~ shall impose fines for violations of
 8 this subsection not to exceed 100% of the total amount of the
 9 contributions that were untimely reported, but in no case
 10 when a fine is imposed shall it be less than 10% of the total
 11 amount of the contributions that were untimely reported. When
 12 considering the amount of the fine to be imposed, the Board
 13 shall consider, but is not limited to, the following factors:

14 (1) whether in the Board's opinion the violation
 15 was committed inadvertently, negligently, knowingly, or
 16 intentionally;

17 (2) the number of days the contribution was
 18 reported late; and

19 (3) past violations of Sections 9-3 and 9-10 of
 20 this Article by the committee. as follows:

21 (1) ~~--if the political committee's or other reporting~~
 22 ~~entity's total receipts, total expenditures, and balance~~
 23 ~~remaining at the end of the last reporting period were~~
 24 ~~each \$5,000 or less, then \$100 per business day for the~~
 25 ~~first violation, \$200 per business day for the second~~
 26 ~~violation, and \$300 per business day for the third and~~
 27 ~~subsequent violations.~~

28 (2) ~~--if the political committee's or other reporting~~
 29 ~~entity's total receipts, total expenditures, and balance~~
 30 ~~remaining at the end of the last reporting period were~~
 31 ~~each more than \$5,000, then \$200 per business day for the~~
 32 ~~first violation, \$400 per business day for the second~~
 33 ~~violation, and \$600 per business day for the third and~~
 34 ~~subsequent violations.~~

1 (c) In addition to such reports the treasurer of every
2 political committee shall file semi-annual reports of
3 campaign contributions and expenditures no later than July
4 31st, covering the period from January 1st through June 30th
5 immediately preceding, and no later than January 31st,
6 covering the period from July 1st through December 31st of
7 the preceding calendar year. Reports of contributions and
8 expenditures must be filed to cover the prescribed time
9 periods even though no contributions or expenditures may have
10 been received or made during the period. The Board shall
11 assess a civil penalty not to exceed \$5,000 for a violation
12 of this subsection, except that for State officers and
13 candidates and political committees formed for statewide
14 office, the civil penalty may not exceed \$10,000. The fine,
15 however, shall not exceed \$500 for a first filing violation
16 for filing less than 10 days after the deadline. There shall
17 be no fine if the report is mailed and postmarked at least 72
18 hours prior to the filing deadline. For the purpose of this
19 subsection, "statewide office" and "State officer" means the
20 Governor, Lieutenant Governor, Attorney General, Secretary of
21 State, Comptroller, and Treasurer.

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

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

26 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)

27 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,
28 has issued an order, or has approved a written stipulation,
29 agreed settlement or consent order, directing a person
30 determined by the Board to be in violation of any provision
31 of this Article or any regulation adopted thereunder, to
32 cease or correct such violation or otherwise comply with this
33 Article and such person fails or refuses to comply with such

1 order, stipulation, settlement or consent order within the
2 time specified by the Board, the Board, after affording
3 notice and an opportunity for a public hearing, may impose a
4 civil penalty on such person in an amount not to exceed
5 \$5,000; except that for State officers and candidates and
6 political committees formed for statewide office, the civil
7 penalty may not exceed \$10,000. For the purpose of this
8 Section, "statewide office" and "State officer" means the
9 Governor, Lieutenant Governor, Attorney General, Secretary of
10 State, Comptroller, and Treasurer.

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

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

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

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

27 (10 ILCS 5/9-27.5)

28 Sec. 9-27.5. Fundraising in Sangamon County within 50
29 miles of Springfield. In addition to any other provision of
30 this Code, fundraising events in Sangamon County by certain
31 executive branch officers and candidates, legislative branch
32 members and candidates, political caucuses, and political
33 committees are subject to the State Officials and Employees

1 Ethics Act. If a political committee receives and retains a
2 contribution that is in violation of Section 5-40 of the
3 State Officials and Employees Ethics Act, then the State
4 Board may impose a civil penalty upon that political
5 committee in an amount equal to 100% of that contribution.
6 ~~Except as provided in this Section, any executive branch~~
7 ~~constitutional officer, any candidate for an executive branch~~
8 ~~constitutional office, any member of the General Assembly,~~
9 ~~any candidate for the General Assembly, any political caucus~~
10 ~~of the General Assembly, or any political committee on behalf~~
11 ~~of any of the foregoing may not hold a fundraising function~~
12 ~~in or within 50 miles of Springfield on any day the~~
13 ~~legislature is in session (i) during the period beginning 90~~
14 ~~days before the later of the dates scheduled by either house~~
15 ~~of the General Assembly for the adjournment of the spring~~
16 ~~session and ending on the later of the actual adjournment~~
17 ~~dates of either house of the spring session and (ii) during~~
18 ~~fall veto session. For purposes of this Section, the~~
19 ~~legislature is not considered to be in session on a day that~~
20 ~~is solely a perfunctory session day or on a day when only a~~
21 ~~committee is meeting.~~

22 This Section does not apply to members and political
23 committees of members of the General Assembly whose districts
24 are located, in whole or in part, in or within 50 miles of
25 Springfield and candidates and political committees of
26 candidates for the General Assembly from districts located,
27 in whole or in part, in or within 50 miles of Springfield,
28 provided that the fundraising function takes place within the
29 member's or candidate's district.

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

31 (10 ILCS 5/9-30 new)

32 Sec. 9-30. Ballot forfeiture. The name of a person who
33 has not paid a civil penalty imposed against him or her under

1 this Article shall not appear upon any ballot for any office
2 in any election while the penalty is unpaid.

3 Section 90-11. The Personnel Code is amended by changing
4 Section 8b.6 as follows:

5 (20 ILCS 415/8b.6) (from Ch. 127, par. 63b108b.6)

6 Sec. 8b.6. For a period of probation not to exceed one
7 year before appointment or promotion is complete, and during
8 which period a probationer may with the consent of the
9 Director of Central Management Services, be discharged or
10 reduced in class or rank, or replaced on the eligible list.
11 For a person appointed to a term appointment under Section
12 8b.18 or 8b.19, the period of probation shall not be less
13 than 6 months.

14 (Source: P.A. 82-789.)

15 Section 90-12. The General Assembly Operations Act is
16 amended by changing Sections 4 and 5 as follows:

17 (25 ILCS 10/4) (from Ch. 63, par. 23.4)

18 Sec. 4. Senate Operations Commission.

19 (a) There is created a Senate Operations Commission to
20 consist of the following: The President of the Senate, 3
21 Assistant Majority Leaders, the Minority Leader, one
22 Assistant Minority Leader, and one member of the Senate
23 appointed by the President of the Senate. The Senate
24 Operations Commission shall have the following powers and
25 duties: Commission shall have responsibility for the
26 operation of the Senate in relation to the Senate Chambers,
27 Senate offices, committee rooms and all other rooms and
28 physical facilities used by the Senate, all equipment,
29 furniture, and supplies used by the Senate. The Commission
30 shall have the authority to hire all professional staff and

1 employees necessary for the proper operation of the Senate
2 and authority to receive and expend appropriations for the
3 purposes set forth in this Act whether the General Assembly
4 be in session or not. Professional staff and employees may be
5 employed as full-time employees, part-time employees, or
6 contractual employees. The Secretary of the Senate shall
7 serve as Secretary and Administrative Officer of the
8 Commission. Pursuant to the policies and direction of the
9 Commission, he shall have direct supervision of all
10 equipment, furniture, and supplies used by the Senate.

11 (b) The Senate Operations Commission shall adopt and
12 implement personnel policies for professional staff and
13 employees under its jurisdiction and control as required by
14 the State Officials and Employees Ethics Act.

15 (Source: P.A. 78-7.)

16 (25 ILCS 10/5) (from Ch. 63, par. 23.5)

17 Sec. 5. Speaker of the House; operations, employees, and
18 expenditures.

19 (a) The Speaker of the House of Representatives shall
20 have responsibility for the operation of the House in
21 relation to the House Chambers, House offices, committee
22 rooms and all other rooms and physical facilities used by the
23 House, all equipment, furniture, and supplies used by the
24 House. The Speaker of the House of Representatives shall have
25 the authority to hire all professional staff and employees
26 necessary for the proper operation of the House. Professional
27 staff and employees may be employed as full-time employees,
28 part-time employees, or contractual employees. The Speaker of
29 the House of Representatives shall have the authority to
30 receive and expend appropriations for the purposes set forth
31 in this Act whether the General Assembly be in session or
32 not.

33 (b) The Speaker of the House of Representatives shall

1 adopt and implement personnel policies for professional staff
2 and employees under his or her jurisdiction and control as
3 required by the State Officials and Employees Ethics Act.

4 (Source: Laws 1967, p. 1214.)

5 Section 90-15. The General Assembly Compensation Act is
6 amended by changing Section 4 as follows:

7 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

8 Sec. 4. Office allowance. Beginning July 1, 2001, each
9 member of the House of Representatives is authorized to
10 approve the expenditure of not more than \$61,000 per year and
11 each member of the Senate is authorized to approve the
12 expenditure of not more than \$73,000 per year to pay for
13 "personal services", "contractual services", "commodities",
14 "printing", "travel", "operation of automotive equipment",
15 "telecommunications services", as defined in the State
16 Finance Act, and the compensation of one or more legislative
17 assistants authorized pursuant to this Section, in connection
18 with his or her legislative duties and not in connection with
19 any political campaign. On July 1, 2002 and on July 1 of each
20 year thereafter, the amount authorized per year under this
21 Section for each member of the Senate and each member of the
22 House of Representatives shall be increased by a percentage
23 increase equivalent to the lesser of (i) the increase in the
24 designated cost of living index or (ii) 5%. The designated
25 cost of living index is the index known as the "Employment
26 Cost Index, Wages and Salaries, By Occupation and Industry
27 Groups: State and Local Government Workers: Public
28 Administration" as published by the Bureau of Labor
29 Statistics of the U.S. Department of Labor for the calendar
30 year immediately preceding the year of the respective July
31 1st increase date. The increase shall be added to the then
32 current amount, and the adjusted amount so determined shall

1 be the annual amount beginning July 1 of the increase year
2 until July 1 of the next year. No increase under this
3 provision shall be less than zero.

4 A member may purchase office equipment if the member
5 certifies to the Secretary of the Senate or the Clerk of the
6 House, as applicable, that the purchase price, whether paid
7 in lump sum or installments, amounts to less than would be
8 charged for renting or leasing the equipment over its
9 anticipated useful life. All such equipment must be
10 purchased through the Secretary of the Senate or the Clerk of
11 the House, as applicable, for proper identification and
12 verification of purchase.

13 Each member of the General Assembly is authorized to
14 employ one or more legislative assistants, who shall be
15 solely under the direction and control of that member, for
16 the purpose of assisting the member in the performance of his
17 or her official duties. A legislative assistant may be
18 employed pursuant to this Section as a full-time employee,
19 part-time employee, or contractual employee either-under
20 ~~contract-or-as-a-State-employee~~, at the discretion of the
21 member. If employed as a State employee, a legislative
22 assistant shall receive employment benefits on the same terms
23 and conditions that apply to other employees of the General
24 Assembly. Each member shall adopt and implement personnel
25 policies for legislative assistants under his or her
26 direction and control relating to work time requirements,
27 documentation for reimbursement for travel on official State
28 business, compensation, and the earning and accrual of State
29 benefits for those legislative assistants who may be eligible
30 to receive those benefits. The policies shall also require
31 legislative assistants to periodically submit time sheets
32 documenting, in quarter-hour increments, the time spent each
33 day on official State business. The policies shall require
34 the time sheets to be submitted on paper, electronically, or

1 both and to be maintained in either paper or electronic
2 format by the applicable fiscal office for a period of at
3 least 2 years. Contractual employees may satisfy the time
4 sheets requirement by complying with the terms of their
5 contract, which shall provide for a means of compliance with
6 this requirement. A member may satisfy the requirements of
7 this paragraph by adopting and implementing the personnel
8 policies promulgated by that member's legislative leader
9 under the State Officials and Employees Ethics Act with
10 respect to that member's legislative assistants.

11 As used in this Section the term "personal services"
12 shall include contributions of the State under the Federal
13 Insurance Contribution Act and under Article 14 of the
14 Illinois Pension Code. As used in this Section the term
15 "contractual services" shall not include improvements to real
16 property unless those improvements are the obligation of the
17 lessee under the lease agreement. Beginning July 1, 1989, as
18 used in the Section, the term "travel" shall be limited to
19 travel in connection with a member's legislative duties and
20 not in connection with any political campaign. Beginning on
21 the effective date of this amendatory Act of the 93rd General
22 Assembly July-17--1989, as used in this Section, the term
23 "printing" includes, but is not limited to, newsletters,
24 brochures, certificates, congratulatory mailings, including
25 but--not-limited-to greeting or welcome messages, anniversary
26 or birthday cards, and congratulations for prominent
27 achievement cards. As used in this Section, the term
28 "printing" includes fees for non-substantive resolutions
29 charged by the Clerk of the House of Representatives under
30 subsection (c-5) of Section 1 of the Legislative Materials
31 Act. No newsletter or brochure that is paid for, in whole or
32 in part, with funds provided under this Section may be
33 printed or mailed during a period beginning February 1 of the
34 year of a general primary election and ending the day after

1 the general primary election and during a period beginning
2 September 1 of the year of a general election and ending the
3 day after the general election. Nothing in this Section shall
4 be construed to authorize expenditures for lodging and meals
5 while a member is in attendance at sessions of the General
6 Assembly.

7 Any utility bill for service provided to a member's
8 district office for a period including portions of 2
9 consecutive fiscal years may be paid from funds appropriated
10 for such expenditure in either fiscal year.

11 If a vacancy occurs in the office of Senator or
12 Representative in the General Assembly, any office equipment
13 in the possession of the vacating member shall transfer to
14 the member's successor; if the successor does not want such
15 equipment, it shall be transferred to the Secretary of the
16 Senate or Clerk of the House of Representatives, as the case
17 may be, and if not wanted by other members of the General
18 Assembly then to the Department of Central Management
19 Services for treatment as surplus property under the State
20 Property Control Act. Each member, on or before June 30th of
21 each year, shall conduct an inventory of all equipment
22 purchased pursuant to this Act. Such inventory shall be
23 filed with the Secretary of the Senate or the Clerk of the
24 House, as the case may be. Whenever a vacancy occurs, the
25 Secretary of the Senate or the Clerk of the House, as the
26 case may be, shall conduct an inventory of equipment
27 purchased.

28 In the event that a member leaves office during his or
29 her term, any unexpended or unobligated portion of the
30 allowance granted under this Section shall lapse. The
31 vacating member's successor shall be granted an allowance in
32 an amount, rounded to the nearest dollar, computed by
33 dividing the annual allowance by 365 and multiplying the
34 quotient by the number of days remaining in the fiscal year.

1 From any appropriation for the purposes of this Section
2 for a fiscal year which overlaps 2 General Assemblies, no
3 more than 1/2 of the annual allowance per member may be spent
4 or encumbered by any member of either the outgoing or
5 incoming General Assembly, except that any member of the
6 incoming General Assembly who was a member of the outgoing
7 General Assembly may encumber or spend any portion of his
8 annual allowance within the fiscal year.

9 The appropriation for the annual allowances permitted by
10 this Section shall be included in an appropriation to the
11 President of the Senate and to the Speaker of the House of
12 Representatives for their respective members. The President
13 of the Senate and the Speaker of the House shall voucher for
14 payment individual members' expenditures from their annual
15 office allowances to the State Comptroller, subject to the
16 authority of the Comptroller under Section 9 of the State
17 Comptroller Act.

18 (Source: P.A. 90-569, eff. 1-28-98; 91-952, eff. 7-1-01.)

19 Section 90-20. The Legislative Commission Reorganization
20 Act of 1984 is amended by adding Section 9-2.5 as follows:

21 (25 ILCS 130/9-2.5 new)

22 Sec. 9-2.5. Newsletters and brochures. The Legislative
23 Printing Unit may not print for any member of the General
24 Assembly any newsletters or brochures during the period
25 beginning February 1 of the year of a general primary
26 election and ending the day after the general primary
27 election and during a period beginning September 1 of the
28 year of a general election and ending the day after the
29 general election. A member of the General Assembly may not
30 mail, during a period beginning February 1 of the year of a
31 general primary election and ending the day after the general
32 primary election and during a period beginning September 1 of

1 the year of a general election and ending the day after the
2 general election, any newsletters or brochures that were
3 printed, at any time, by the Legislative Printing Unit.

4 Section 90-25. The General Assembly Staff Assistants Act
5 is amended by changing Sections 1a and 2 as follows:

6 (25 ILCS 160/1a) (from Ch. 63, par. 131.1)

7 Sec. 1a. Staff assistants; employment; allocation. There
8 shall be such staff assistants for the General Assembly as
9 necessary. Staff assistants may be employed as full-time
10 employees, part-time employees, or contractual employees. Of
11 the staff assistants so provided, one half the total number
12 shall be for the Senate and one half for the House of
13 Representatives. Of the assistants provided for the Senate,
14 one half shall be designated by the President and one half by
15 the minority leader. Of the assistants provided for the House
16 of Representatives, one half shall be designated by the
17 Speaker and one half by the minority leader.

18 (Source: P.A. 78-4.)

19 (25 ILCS 160/2) (from Ch. 63, par. 132)

20 Sec. 2. Staff assistants; assignments.

21 (a) During the period the General Assembly is in
22 session, the staff assistants shall be assigned by the
23 legislative leadership of the respective parties to perform
24 research and render other assistance to the members of that
25 party on such committees as may be designated.

26 (b) During the period when the General Assembly is not
27 in session, the staff assistants shall perform such services
28 as may be assigned by the President and Minority Leader of
29 the Senate and the Speaker and Minority Leader of the House
30 of Representatives party-leadership.

31 (c) The President and Minority Leader of the Senate and

1 the Speaker and Minority Leader of the House of
 2 Representatives shall each adopt and implement personnel
 3 policies for staff assistants under their respective
 4 jurisdiction and control as required by the State Officials
 5 and Employees Ethics Act.

6 (Source: Laws 1967, p. 280.)

7 Section 90-30. The Lobbyist Registration Act is amended
 8 by adding Section 3.1 and changing Sections 3, 5, 6, 6.5, and
 9 7 as follows:

10 (25 ILCS 170/3) (from Ch. 63, par. 173)

11 Sec. 3. Persons required to register.

12 (a) Except as provided in Sections 4 and 9, the
 13 following persons shall register with the Secretary of State
 14 as provided herein:

15 (1) Any person who, for compensation or otherwise,
 16 either individually or as an employee or contractual
 17 employee of another person, undertakes to influence
 18 executive, legislative or administrative action.

19 (2) Any person who employs another person for the
 20 purposes of influencing executive, legislative or
 21 administrative action.

22 (b) It is a violation of this Act to engage in lobbying
 23 or to employ any person for the purpose of lobbying who is
 24 not registered with the Office of the Secretary of State,
 25 except upon condition that the person register and the person
 26 does in fact register within 2 business days after being
 27 employed or retained for lobbying services 10-working-days-of
 28 an-agreement-to-conduct-any-lobbying-activity.

29 (Source: P.A. 88-187.)

30 (25 ILCS 170/3.1 new)

31 Sec. 3.1. Prohibition on serving on boards and

1 commissions. Notwithstanding any other law of this State, a
 2 person required to be registered under this Act may not serve
 3 on a board, commission, authority, or task force authorized
 4 or created by State law or by executive order of the
 5 Governor; except that this restriction does not apply to any
 6 of the following:

7 (1) a registered lobbyist serving in an elective
 8 public office, whether elected or appointed to fill a
 9 vacancy; and

10 (2) a registered lobbyist serving on a State
 11 advisory body that makes nonbinding recommendations to an
 12 agency of State government but does not make binding
 13 recommendations or determinations or take any other
 14 substantive action.

15 (25 ILCS 170/5) (from Ch. 63, par. 175)

16 Sec. 5. Lobbyist registration and disclosure. Every
 17 person required to register under Section 3 shall each--and
 18 every--year,--or before any such service is performed which
 19 requires the person to register, but in any event not later
 20 than 2 business days after being employed or retained, and on
 21 or before each January 31 and July 31 thereafter, file in the
 22 Office of the Secretary of State a written statement
 23 containing the following information with respect to each
 24 person or entity employing or retaining the person required
 25 to register:

26 (a) The registrant's name, and permanent address,
 27 e-mail address, if any, fax number, if any, business
 28 telephone number, and temporary address, if the
 29 registrant has a temporary address while lobbying of the
 30 registrant.

31 (a-5) If the registrant is an organization or
 32 business entity, the information required under
 33 subsection (a) for each person associated with the

1 registrant who will be lobbying, regardless of whether
2 lobbying is a significant part of his or her duties.

3 (b) The name and address of the person or persons
4 employing or retaining registrant to perform such
5 services or on whose behalf the registrant appears.

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

9 (c-5) Each executive and legislative branch agency
10 the registrant expects to lobby during the registration
11 period.

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

25 The registrant must file an amendment to the statement
26 within 14 calendar days to report any substantial change or
27 addition to the information previously filed, except that a
28 registrant must file an amendment to the statement to
29 disclose a new agreement to retain the registrant for
30 lobbying services before any service is performed which
31 requires the person to register, but in any event not later
32 than 2 business days after entering into the retainer
33 agreement.

34 Not later than 12 months after the effective date of this

1 amendatory Act of the 93rd General Assembly, or as soon
2 thereafter as the Secretary of State has provided adequate
3 software to the persons required to file, all statements and
4 amendments to statements required to be filed shall be filed
5 electronically. The Secretary of State shall promptly make
6 all filed statements and amendments to statements publicly
7 available by means of a searchable database that is
8 accessible through the World Wide Web. The Secretary of State
9 shall provide all software necessary to comply with this
10 provision to all persons required to file. The Secretary of
11 State shall implement a plan to provide computer access and
12 assistance to persons required to file electronically.

13 Persons required to register under this Act shall, on an
14 annual basis, remit a single, annual and nonrefundable \$100
15 \$50 registration fee and a picture of the registrant. A
16 registrant may, in lieu of submitting a picture on an annual
17 basis, authorize the Secretary of State to use any photo
18 identification available in any database maintained by the
19 Secretary of State for other purposes. All fees shall be
20 deposited into the Lobbyist Registration Administration Fund
21 for administration and enforcement of this Act. The increase
22 in the fee from \$50 to \$100 by this amendatory Act of the
23 93rd General Assembly is intended to be used to implement and
24 maintain electronic filing of reports under this Act and is
25 in addition to any other fee increase enacted by the 93rd or
26 any subsequent General Assembly.

27 (Source: P.A. 88-187.)

28 (25 ILCS 170/6) (from Ch. 63, par. 176)

29 Sec. 6. Reports.

30 (a) Except as otherwise provided in this Section, every
31 person required to register as prescribed in Section 3 shall
32 report, verified under oath pursuant to Section 1-109 of the
33 Code of Civil Procedure, to the Secretary of State all

1 expenditures for lobbying made or incurred by the lobbyist on
2 his behalf or the behalf of his employer. In the case where
3 an individual is solely employed by another person to perform
4 job related functions any part of which includes lobbying,
5 the employer shall be responsible for reporting all lobbying
6 expenditures incurred on the employer's behalf as shall be
7 identified by the lobbyist to the employer preceding such
8 report. Persons who contract with another person to perform
9 lobbying activities shall be responsible for reporting all
10 lobbying expenditures incurred on the employer's behalf. Any
11 additional lobbying expenses incurred by the employer which
12 are separate and apart from those incurred by the contractual
13 employee shall be reported by the employer.

14 (b) The report shall itemize each individual expenditure
15 or transaction over \$100 and shall include the name of the
16 official on whose behalf the expenditure was made, the name
17 of the client on whose behalf the expenditure was made, the
18 total amount of the expenditure, the date on which the
19 expenditure occurred and the subject matter of the lobbying
20 activity, if any.

21 Expenditures attributable to lobbying officials shall be
22 listed and reported according to the following categories:

- 23 (1) travel and lodging on behalf of others.
- 24 (2) meals, beverages and other entertainment.
- 25 (3) gifts.
- 26 (4) honoraria.

27 Individual expenditures required to be reported as
28 described herein which are equal to or less than \$100 in
29 value need not be itemized but are required to be categorized
30 and reported by officials in an aggregate total in a manner
31 prescribed by rule of the Secretary of State.

32 Expenditures incurred for hosting receptions, benefits
33 and other large gatherings held for purposes of goodwill or
34 otherwise to influence executive, legislative or

1 administrative action to which there are 25 or more State
2 officials invited shall be reported listing only the total
3 amount of the expenditure, the date of the event, and the
4 estimated number of officials in attendance.

5 Each individual expenditure required to be reported shall
6 include all expenses made for or on behalf of State officials
7 and members of the immediate family of those persons.

8 The category travel and lodging includes, but is not
9 limited to, all travel and living accommodations made for or
10 on behalf of State officials in the capital during sessions
11 of the General Assembly.

12 Reasonable and bona fide expenditures made by the
13 registrant who is a member of a legislative or State study
14 commission or committee while attending and participating in
15 meetings and hearings of such commission or committee need
16 not be reported.

17 Reasonable and bona fide expenditures made by the
18 registrant for personal sustenance, lodging, travel, office
19 expenses and clerical or support staff need not be reported.

20 Salaries, fees, and other compensation paid to the
21 registrant for the purposes of lobbying need not be reported.

22 Any contributions required to be reported under Article 9
23 of the Election Code need not be reported.

24 The report shall include: (1) the name of each State
25 government entity lobbied; (2) whether the lobbying involved
26 executive, legislative, or administrative action, or a
27 combination; (3) the names of the persons who performed the
28 lobbyist services; and (4) a brief description of the
29 legislative, executive, or administrative action involved.

30 Except as otherwise provided in this subsection, gifts
31 and honoraria returned or reimbursed to the registrant within
32 30 days of the date of receipt shall need not be reported.

33 A gift or honorarium returned or reimbursed to the
34 registrant within 10 days after the official receives a copy

1 of a report pursuant to Section 6.5 shall not be included in
2 the final report unless the registrant informed the official,
3 contemporaneously with the receipt of the gift or honorarium,
4 that the gift or honorarium is a reportable expenditure
5 pursuant to this Act.

6 (c) Reports under this Section shall be filed by July
7 31, for expenditures from the previous January 1 through the
8 later of June 30 or the final day of the regular General
9 Assembly session, and by January 31, for expenditures from
10 the entire previous calendar year.

11 Registrants who made no reportable expenditures during a
12 reporting period shall file a report stating that no
13 expenditures were incurred. Such reports shall be filed in
14 accordance with the deadlines as prescribed in this
15 subsection.

16 A registrant who terminates employment or duties which
17 required him to register under this Act shall give the
18 Secretary of State, within 30 days after the date of such
19 termination, written notice of such termination and shall
20 include therewith a report of the expenditures described
21 herein, covering the period of time since the filing of his
22 last report to the date of termination of employment. Such
23 notice and report shall be final and relieve such registrant
24 of further reporting under this Act, unless and until he
25 later takes employment or assumes duties requiring him to
26 again register under this Act.

27 (d) Failure to file any such report within the time
28 designated or the reporting of incomplete information shall
29 constitute a violation of this Act.

30 A registrant shall preserve for a period of 2 years all
31 receipts and records used in preparing reports under this
32 Act.

33 (e) Within 30 days after a filing deadline, the lobbyist
34 shall notify each official on whose behalf an expenditure has

1 been reported. Notification shall include the name of the
2 registrant, the total amount of the expenditure, the date on
3 which the expenditure occurred, and the subject matter of the
4 lobbying activity.

5 (Source: P.A. 90-78, eff. 1-1-98.)

6 (25 ILCS 170/6.5)

7 Sec. 6.5. Response to report by official.

8 (a) Every person required to register as prescribed in
9 Section 3 and required to file a report with the Secretary of
10 State as prescribed in Section 6 shall, at least 25 days
11 before ~~the deadline for~~ filing the report, provide a copy of
12 the report to each official listed in the report by first
13 class mail or hand delivery. An official may, within 10 days
14 after receiving the copy of the report, provide written
15 objections to the report by first class mail or hand delivery
16 to the person required to file the report. If those written
17 objections conflict with the final report that is filed, the
18 written objections shall be filed along with the report.

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

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

23 (25 ILCS 170/7) (from Ch. 63, par. 177)

24 Sec. 7. Duties of the Secretary of State.

25 It shall be the duty of the Secretary of State to provide
26 appropriate forms for the registration and reporting of
27 information required by this Act and to keep such
28 registrations and reports on file in his office for 3 years
29 from the date of filing. He shall also provide and maintain a
30 register with appropriate blanks and indexes so that the
31 information required in Sections 5 and 6 of this Act may be
32 accordingly entered. Such records shall be considered public

1 information and open to public inspection.

2 A report filed under this Act is due in the Office of the
3 Secretary of State no later than the close of business on the
4 date on which it is required to be filed.

5 Within 10 days after a filing deadline, the Secretary of
6 State shall notify persons he determines are required to file
7 but have failed to do so.

8 Not later than 12 months after the effective date of this
9 amendatory Act of the 93rd General Assembly, or as soon
10 thereafter as the Secretary of State has provided adequate
11 software to the persons required to file, all reports
12 required under this Act shall be filed electronically. The
13 Secretary of State shall promptly make all filed reports
14 publicly available by means of a searchable database that is
15 accessible through the World Wide Web. The Secretary of State
16 shall provide all software necessary to comply with this
17 provision to all persons required to file. The Secretary of
18 State shall implement a plan to provide computer access and
19 assistance to persons required to file electronically.

20 Not later than 12 months after the effective date of this
21 amendatory Act of the 93rd General Assembly, the Secretary of
22 State shall include registrants' pictures when publishing or
23 posting on his or her website the information required in
24 Section 5.

25 (Source: P.A. 88-187.)

26 Section 90-35. The Illinois Procurement Code is amended
27 by changing Sections 50-13 and 50-30 as follows:

28 (30 ILCS 500/50-13)

29 Sec. 50-13. Conflicts of interest.

30 (a) Prohibition. It is unlawful for any person holding
31 an elective office in this State, holding a seat in the
32 General Assembly, or appointed to or employed in any of the

1 offices or agencies of State government and who receives
2 compensation for such employment in excess of 60% of the
3 salary of the Governor of the State of Illinois, or who is an
4 officer or employee of the Capital Development Board or the
5 Illinois Toll Highway Authority, or who is the spouse or
6 minor child of any such person to have or acquire any
7 contract, or any direct pecuniary interest in any contract
8 therein, whether for stationery, printing, paper, or any
9 services, materials, or supplies, that will be wholly or
10 partially satisfied by the payment of funds appropriated by
11 the General Assembly of the State of Illinois or in any
12 contract of the Capital Development Board or the Illinois
13 Toll Highway Authority.

14 (b) Interests. It is unlawful for any firm,
15 partnership, association, or corporation, in which any person
16 listed in subsection (a) is entitled to receive (i) more than
17 7 1/2% of the total distributable income or (ii) an amount in
18 excess of the salary of the Governor, to have or acquire any
19 such contract or direct pecuniary interest therein.

20 (c) Combined interests. It is unlawful for any firm,
21 partnership, association, or corporation, in which any person
22 listed in subsection (a) together with his or her spouse or
23 minor children is entitled to receive (i) more than 15%, in
24 the aggregate, of the total distributable income or (ii) an
25 amount in excess of 2 times the salary of the Governor, to
26 have or acquire any such contract or direct pecuniary
27 interest therein.

28 (c-5) Appointees and firms. In addition to any
29 provisions of this Code, the interests of certain appointees
30 and their firms are subject to Section 3A-35 of the Illinois
31 Governmental Ethics Act.

32 (d) Securities. Nothing in this Section invalidates the
33 provisions of any bond or other security previously offered
34 or to be offered for sale or sold by or for the State of

1 Illinois.

2 (e) Prior interests. This Section does not affect the
3 validity of any contract made between the State and an
4 officer or employee of the State or member of the General
5 Assembly, his or her spouse, minor child, or other immediate
6 family member living in his or her residence or any
7 combination of those persons if that contract was in
8 existence before his or her election or employment as an
9 officer, member, or employee. The contract is voidable,
10 however, if it cannot be completed within 365 days after the
11 officer, member, or employee takes office or is employed.

12 (f) Exceptions.

13 (1) Public aid payments. This Section does not
14 apply to payments made for a public aid recipient.

15 (2) Teaching. This Section does not apply to a
16 contract for personal services as a teacher or school
17 administrator between a member of the General Assembly or
18 his or her spouse, or a State officer or employee or his
19 or her spouse, and any school district, public community
20 college district, the University of Illinois, Southern
21 Illinois University, Illinois State University, Eastern
22 Illinois University, Northern Illinois University,
23 Western Illinois University, Chicago State University,
24 Governor State University, or Northeastern Illinois
25 University.

26 (3) Ministerial duties. This Section does not
27 apply to a contract for personal services of a wholly
28 ministerial character, including but not limited to
29 services as a laborer, clerk, typist, stenographer, page,
30 bookkeeper, receptionist, or telephone switchboard
31 operator, made by a spouse or minor child of an elective
32 or appointive State officer or employee or of a member of
33 the General Assembly.

34 (4) Child and family services. This Section does

1 not apply to payments made to a member of the General
2 Assembly, a State officer or employee, his or her spouse
3 or minor child acting as a foster parent, homemaker,
4 advocate, or volunteer for or in behalf of a child or
5 family served by the Department of Children and Family
6 Services.

7 (5) Licensed professionals. Contracts with licensed
8 professionals, provided they are competitively bid or
9 part of a reimbursement program for specific, customary
10 goods and services through the Department of Children and
11 Family Services, the Department of Human Services, the
12 Department of Public Aid, the Department of Public
13 Health, or the Department on Aging.

14 (g) Penalty. A person convicted of a violation of this
15 Section is guilty of a business offense and shall be fined
16 not less than \$1,000 nor more than \$5,000.

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

18 (30 ILCS 500/50-30)

19 Sec. 50-30. Revolving door prohibition.

20 (a) Chief procurement officers, associate procurement
21 officers, State purchasing officers, their designees whose
22 principal duties are directly related to State procurement,
23 and executive officers confirmed by the Senate are expressly
24 prohibited for a period of 2 years after terminating an
25 affected position from engaging in any procurement activity
26 relating to the State agency most recently employing them in
27 an affected position for a period of at least 6 months. The
28 prohibition includes but is not limited to: lobbying the
29 procurement process; specifying; bidding; proposing bid,
30 proposal, or contract documents; on their own behalf or on
31 behalf of any firm, partnership, association, or corporation.
32 This subsection Section applies only to persons who terminate
33 an affected position on or after January 15, 1999.

1 (b) In addition to any other provisions of this Code,
2 employment of former State employees is subject to the State
3 Officials and Employees Ethics Act.

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

5 Section 90-37. The Raffles Act is amended by changing
6 Section 8.1 as follows:

7 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

8 Sec. 8.1. (a) Political Committees. For the purposes of
9 this Section the terms defined in this subsection have the
10 meanings given them.

11 "Net Proceeds" means the gross receipts from the conduct
12 of raffles, less reasonable sums expended for prizes, license
13 fees and other reasonable operating expenses incurred as a
14 result of operating a raffle.

15 "Raffle" means a form of lottery, as defined in Section
16 28-2 (b) of the "Criminal Code of 1961", conducted by a
17 political committee licensed under this Section, in which:

18 (1) the player pays or agrees to pay something of
19 value for a chance, represented and differentiated by a
20 number or by a combination of numbers or by some other
21 medium, one or more of which chances is to be designated
22 the winning chance;

23 (2) the winning chance is to be determined through
24 a drawing or by some other method based on an element of
25 chance by an act or set of acts on the part of persons
26 conducting or connected with the lottery, except that the
27 winning chance shall not be determined by the outcome of
28 a publicly exhibited sporting contest.

29 "Unresolved claim" means a claim for civil penalty under
30 Sections Section 9-3, 9-10, and 9-23 of The Election Code
31 which has been begun by the State Board of Elections, has

1 been disputed by the political committee under the applicable
2 rules of the State Board of Elections, and has not been
3 finally decided either by the State Board of Elections, or,
4 where application for review has been made to the Courts of
5 Illinois, remains finally undecided by the Courts.

6 "Owes" means that a political committee has been finally
7 determined under applicable rules of the State Board of
8 Elections to be liable for a civil penalty under Sections
9 Section 9-3, 9-10, and 9-23 of The Election Code.

10 (b) ~~(1)~~ Licenses issued pursuant to this Section shall
11 be valid for one raffle or for a specified number of raffles
12 to be conducted during a specified period not to exceed one
13 year and may be suspended or revoked for any violation of
14 this Section. The State Board of Elections shall act on a
15 license application within 30 days from the date of
16 application.

17 ~~(2) -- Licenses -- shall -- be -- issued -- only -- to -- political~~
18 ~~committees -- which -- have -- been -- in -- existence -- continuously -- for~~
19 ~~a -- period -- of -- 1 -- year -- immediately -- before -- making -- application~~
20 ~~for -- a -- license -- and -- which -- have -- had -- during -- that -- entire -- 1~~
21 ~~year -- period -- a -- bona -- fide -- membership -- engaged -- in -- carrying~~
22 ~~out -- their -- objects.~~

23 (c) Licenses issued by the State Board of Elections are
24 subject to the following restrictions:

25 (1) No political committee shall conduct raffles or
26 chances without having first obtained a license therefor
27 pursuant to this Section.

28 (2) The application for license shall be prepared
29 in accordance with regulations of the State Board of
30 Elections and must specify the area or areas within the
31 State in which raffle chances will be sold or issued, the
32 time period during which raffle chances will be sold or
33 issued, the time of determination of winning chances and
34 the location or locations at which winning chances will

1 be determined.

2 (3) A license authorizes the licensee to conduct
3 raffles as defined in this Section.

4 The following are ineligible for any license under this
5 Section:

6 (i) any political committee which has an
7 officer who has been convicted of a felony;

8 (ii) any political committee which has an
9 officer who is or has been a professional gambler or
10 gambling promoter;

11 (iii) any political committee which has an
12 officer who is not of good moral character;

13 (iv) any political committee which has an
14 officer who is also an officer of a firm or
15 corporation in which a person defined in (i), (ii)
16 or (iii) has a proprietary, equitable or credit
17 interest, or in which such a person is active or
18 employed;

19 (v) any political committee in which a person
20 defined in (i), (ii) or (iii) is an officer,
21 director, or employee, whether compensated or not;

22 (vi) any political committee in which a person
23 defined in (i), (ii) or (iii) is to participate in
24 the management or operation of a raffle as defined
25 in this Section;

26 (vii) any committee which, at the time of its
27 application for a license to conduct a raffle, owes
28 the State Board of Elections any unpaid civil
29 penalty authorized by Sections Section 9-3, 9-10,
30 and 9-23 of The Election Code, or is the subject of
31 an unresolved claim for a civil penalty under
32 Sections Section 9-3, 9-10, and 9-23 of The Election
33 Code;

34 (viii) any political committee which, at the

1 time of its application to conduct a raffle, has not
2 submitted any report or document required to be
3 filed by Article 9 of The Election Code and such
4 report or document is more than 10 days overdue.

5 (d) (1) The conducting of raffles is subject to the
6 following restrictions:

7 (i) The entire net proceeds of any raffle must
8 be exclusively devoted to the lawful purposes of the
9 political committee permitted to conduct that game.

10 (ii) No person except a bona fide member of
11 the political committee may participate in the
12 management or operation of the raffle.

13 (iii) No person may receive any remuneration
14 or profit for participating in the management or
15 operation of the raffle.

16 (iv) Raffle chances may be sold or issued only
17 within the area specified on the license and winning
18 chances may be determined only at those locations
19 specified on the license.

20 (v) A person under the age of 18 years may
21 participate in the conducting of raffles or chances
22 only with the permission of a parent or guardian. A
23 person under the age of 18 years may be within the
24 area where winning chances are being determined only
25 when accompanied by his parent or guardian.

26 (2) If a lessor rents premises where a winning
27 chance or chances on a raffle are determined, the lessor
28 shall not be criminally liable if the person who uses the
29 premises for the determining of winning chances does not
30 hold a license issued under the provisions of this
31 Section.

32 (e) (1) Each political committee licensed to conduct
33 raffles and chances shall keep records of its gross
34 receipts, expenses and net proceeds for each single

1 gathering or occasion at which winning chances are
2 determined. All deductions from gross receipts for each
3 single gathering or occasion shall be documented with
4 receipts or other records indicating the amount, a
5 description of the purchased item or service or other
6 reason for the deduction, and the recipient. The
7 distribution of net proceeds shall be itemized as to
8 payee, purpose, amount and date of payment.

9 (2) Each political committee licensed to conduct
10 raffles shall report on the next report due to be filed
11 under Article 9 of The Election Code its gross receipts,
12 expenses and net proceeds from raffles, and the
13 distribution of net proceeds itemized as required in this
14 subsection.

15 Such reports shall be included in the regular reports
16 required of political committees by Article 9 of The Election
17 Code.

18 (3) Records required by this subsection shall be
19 preserved for 3 years, and political committees shall
20 make available their records relating to operation of
21 raffles for public inspection at reasonable times and
22 places.

23 (f) Violation of any provision of this Section is a
24 Class C misdemeanor.

25 (g) Nothing in this Section shall be construed to
26 authorize the conducting or operating of any gambling scheme,
27 enterprise, activity or device other than raffles as provided
28 for herein.

29 (Source: P.A. 86-394; 86-1028; 86-1301; 87-1271.)

30 Section 90-40. The State Lawsuit Immunity Act is amended
31 by changing Section 1 as follows:

32 (745 ILCS 5/1) (from Ch. 127, par. 801)

1 Sec. 1. Except as provided in the "Illinois Public Labor
2 Relations Act", ~~enacted--by--the--83rd-General-Assembly,~~ or
3 ~~except-as-provided-in-"AN-ACT-to-create~~ the Court of Claims
4 Act, and the State Officials and Employees Ethics Act ~~to~~
5 ~~prescribe-its-powers-and-duties,~~ and ~~to-repeal-AN-ACT--herein~~
6 ~~named"~~, ~~filed--July--17,~~ ~~1945,~~ as amended, the State of
7 Illinois shall not be made a defendant or party in any court.
8 (Source: P.A. 83-1012.)

9

ARTICLE 99

10

MISCELLANEOUS PROVISIONS

11

Section 99-5. Severability. The provisions of this Act
12 are severable under Section 1.31 of the Statute on Statutes.

13

Section 99-99. Effective date. This Act takes effect
14 upon becoming law.