

1                                   AMENDMENT TO HOUSE BILL 3412

2           AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3412 by replacing  
3 the title with the following:

4           "AN ACT concerning ethics."; and

5 by replacing everything after the enacting clause with the  
6 following:

7                                   "ARTICLE 1  
8                                   GENERAL PROVISIONS

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

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

12           "Appointee" means a person appointed to a position in or  
13 with a State agency, regardless of whether the position is  
14 compensated.

15           "Campaign for elective office" means any activity in  
16 furtherance of an effort to influence the selection,  
17 nomination, election, or appointment of any individual to any  
18 federal, State, or local public office or office in a  
19 political organization, or the selection, nomination, or  
20 election of Presidential or Vice-Presidential electors, but

1 does not include activities (i) relating to the support or  
2 opposition of any executive, legislative, or administrative  
3 action (as those terms are defined in Section 2 of the  
4 Lobbyist Registration Act), (ii) relating to collective  
5 bargaining, or (iii) that are otherwise in furtherance of the  
6 person's official State duties.

7 "Candidate" means a person who has filed nominating  
8 papers or petitions for nomination or election to an elected  
9 State office, or who has been appointed to fill a vacancy in  
10 nomination, and who remains eligible for placement on the  
11 ballot at either a general primary election or general  
12 election.

13 "Collective bargaining" has the same meaning as that term  
14 is defined in Section 3 of the Illinois Public Labor  
15 Relations Act.

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

21 "Compensatory time off" means authorized time off earned  
22 by or awarded to a State employee to compensate in whole or  
23 in part for time worked in excess of the minimum work time  
24 required of that employee as a condition of employment with a  
25 State agency.

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

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

33 "Executive branch constitutional officer" means the  
34 Governor, Lieutenant Governor, Attorney General, Secretary of

1 State, Comptroller, and Treasurer.

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

4 "Leave of absence" means any period during which a State  
5 employee does not receive (i) compensation for State  
6 employment, (ii) service credit towards State pension  
7 benefits, and (iii) health insurance benefits paid for by the  
8 State.

9 "Legislative branch constitutional officer" means a  
10 member of the General Assembly and the Auditor General.

11 "Legislative leader" means the President and Minority  
12 Leader of the Senate and the Speaker and Minority Leader of  
13 the House of Representatives.

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

15 "Officer" means a State constitutional officer of the  
16 executive or legislative branch.

17 "Political" means any activity in support of or in  
18 connection with any campaign for elective office or any  
19 political organization, but does not include activities (i)  
20 relating to the support or opposition of any executive,  
21 legislative, or administrative action (as those terms are  
22 defined in Section 2 of the Lobbyist Registration Act), (ii)  
23 relating to collective bargaining, or (iii) that are  
24 otherwise in furtherance of the person's official State  
25 duties.

26 "Political organization" means a party, committee,  
27 association, fund, or other organization (whether or not  
28 incorporated) that is required to file a statement of  
29 organization with the State Board of Elections or a county  
30 clerk under Section 9-3 of the Election Code, but only with  
31 regard to those activities that require filing with the State  
32 Board of Elections or a county clerk.

33 "Prohibited political activity" means:

34 (1) Preparing for, organizing, or participating in

1 any political meeting, political rally, political  
2 demonstration, or other political event.

3 (2) Soliciting contributions, including but not  
4 limited to the purchase of, selling, distributing, or  
5 receiving payment for tickets for any political  
6 fundraiser, political meeting, or other political event.

7 (3) Soliciting, planning the solicitation of, or  
8 preparing any document or report regarding any thing of  
9 value intended as a campaign contribution.

10 (4) Planning, conducting, or participating in a  
11 public opinion poll in connection with a campaign for  
12 elective office or on behalf of a political organization  
13 for political purposes or for or against any referendum  
14 question.

15 (5) Surveying or gathering information from  
16 potential or actual voters in an election to determine  
17 probable vote outcome in connection with a campaign for  
18 elective office or on behalf of a political organization  
19 for political purposes or for or against any referendum  
20 question.

21 (6) Assisting at the polls on election day on  
22 behalf of any political organization or candidate for  
23 elective office or for or against any referendum  
24 question.

25 (7) Soliciting votes on behalf of a candidate for  
26 elective office or a political organization or for or  
27 against any referendum question or helping in an effort  
28 to get voters to the polls.

29 (8) Initiating for circulation, preparing,  
30 circulating, reviewing, or filing any petition on behalf  
31 of a candidate for elective office or for or against any  
32 referendum question.

33 (9) Making contributions on behalf of any candidate  
34 for elective office in that capacity or in connection

1 with a campaign for elective office.

2 (10) Preparing or reviewing responses to candidate  
3 questionnaires.

4 (11) Distributing, preparing for distribution, or  
5 mailing campaign literature, campaign signs, or other  
6 campaign material on behalf of any candidate for elective  
7 office or for or against any referendum question.

8 (12) Campaigning for any elective office or for or  
9 against any referendum question.

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

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

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

20 "State agency" includes all officers, boards, commissions  
21 and agencies created by the Constitution, whether in the  
22 executive or legislative branch; all officers, departments,  
23 boards, commissions, agencies, institutions, authorities,  
24 public institutions of higher learning as defined in Section  
25 2 of the Higher Education Cooperation Act, and bodies politic  
26 and corporate of the State; and administrative units or  
27 corporate outgrowths of the State government which are  
28 created by or pursuant to statute, other than units of local  
29 government and their officers, school districts, and boards  
30 of election commissioners; and all administrative units and  
31 corporate outgrowths of the above and as may be created by  
32 executive order of the Governor. "State agency" includes the  
33 General Assembly, the Senate, the House of Representatives,  
34 the President and Minority Leader of the Senate, the Speaker

1 and Minority Leader of the House of Representatives, the  
2 Senate Operations Commission, and the legislative support  
3 services agencies. "State agency" includes the Office of the  
4 Auditor General. "State agency" does not include the judicial  
5 branch.

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

7 "Ultimate jurisdictional authority" means the following:

8 (1) For members, legislative partisan staff, and  
9 legislative secretaries, the appropriate legislative  
10 leader: President of the Senate, Minority Leader of the  
11 Senate, Speaker of the House of Representatives, or  
12 Minority Leader of the House of Representatives.

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

16 (3) For State employees who are professional staff  
17 or employees of the House of Representatives and not  
18 covered under item (1), the Speaker of the House of  
19 Representatives.

20 (4) For State employees who are employees of the  
21 legislative support services agencies, the Joint  
22 Committee on Legislative Support Services.

23 (5) For State employees of the Auditor General, the  
24 Auditor General.

25 (6) For State employees of public institutions of  
26 higher learning as defined in Section 2 of the Higher  
27 Education Cooperation Act, the board of trustees of the  
28 appropriate public institution of higher learning.

29 (7) For State employees of an executive branch  
30 constitutional officer other than those described in  
31 paragraph (6), the appropriate executive branch  
32 constitutional officer.

33 (8) For State employees not under the jurisdiction  
34 of paragraph (1), (2), (3), (4), (5), (6), or (7), the

1 Governor.

2 Section 1-10. Applicability. The State Officials and  
3 Employees Ethics Act applies only to conduct that occurs on  
4 or after the effective date of this Act and to causes of  
5 action that accrue on or after the effective date of this  
6 Act.

7 ARTICLE 5

8 ETHICAL CONDUCT

9 Section 5-5. Personnel policies.

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

31 (b) The policies required under subsection (a) shall

1 include policies relating to work time requirements,  
2 documentation of time worked, documentation for reimbursement  
3 for travel on official State business, compensation, and the  
4 earning or accrual of State benefits for all State employees  
5 who may be eligible to receive those benefits. The policies  
6 shall comply with and be consistent with all other applicable  
7 laws. For State employees of the legislative branch, the  
8 policies shall require those employees to periodically submit  
9 time sheets documenting the time spent each day on official  
10 State business to the nearest quarter hour; contractual  
11 employees of the legislative branch may satisfy the time  
12 sheets requirement by complying with the terms of their  
13 contract, which shall provide for a means of compliance with  
14 this requirement. The policies for State employees of the  
15 legislative branch shall require those time sheets to be  
16 submitted on paper, electronically, or both and to be  
17 maintained in either paper or electronic format by the  
18 applicable fiscal office for a period of at least 2 years.

19 Section 5-10. Ethics training. Each officer and  
20 employee must complete, at least annually, an ethics training  
21 program conducted by the appropriate ethics officer appointed  
22 under the State Gift Ban Act. Each ultimate jurisdictional  
23 authority must implement an ethics training program for its  
24 officers and employees. A person who fills a vacancy in an  
25 elective or appointed position that requires training and a  
26 person employed in a position that requires training must  
27 complete his or her initial ethics training within 6 months  
28 after commencement of his or her office or employment.

29 Section 5-15. Prohibited political activities.

30 (a) State employees shall not intentionally perform any  
31 prohibited political activity during any compensated time  
32 (other than vacation, personal, or compensatory time off).



1 State employees shall not intentionally misappropriate any  
2 State property or resources by engaging in any prohibited  
3 political activity for the benefit of any campaign for  
4 elective office or any political organization.

5 (b) At no time shall any executive or legislative branch  
6 constitutional officer or any official, director, supervisor,  
7 or State employee intentionally misappropriate the services  
8 of any State employee by requiring that State employee to  
9 perform any prohibited political activity (i) as part of that  
10 employee's State duties, (ii) as a condition of State  
11 employment, or (iii) during any time off that is compensated  
12 by the State (such as vacation, personal, or compensatory  
13 time off).

14 (c) A State employee shall not be required at any time  
15 to participate in any prohibited political activity in  
16 consideration for that State employee being awarded any  
17 additional compensation or employee benefit, in the form of a  
18 salary adjustment, bonus, compensatory time off, continued  
19 employment, or otherwise.

20 (d) A State employee shall not be awarded any additional  
21 compensation or employee benefit, in the form of a salary  
22 adjustment, bonus, compensatory time off, continued  
23 employment, or otherwise, in consideration for the State  
24 employee's participation in any prohibited political  
25 activity.

26 (e) Nothing in this Section prohibits activities that  
27 are otherwise appropriate for a State employee to engage in  
28 as a part of his or her official State employment duties or  
29 activities that are undertaken by a State employee on a  
30 voluntary basis as permitted by law.

31 (f) No person either (i) in a position that is subject  
32 to recognized merit principles of public employment or (ii)  
33 in a position the salary for which is paid in whole or in  
34 part by federal funds and that is subject to the Federal

1 Standards for a Merit System of Personnel Administration  
2 applicable to grant-in-aid programs, shall be denied or  
3 deprived of State employment or tenure solely because he or  
4 she is a member or an officer of a political committee, of a  
5 political party, or of a political organization or club.

6 Section 5-20. Public service announcements.

7 (a) Except as otherwise provided in this Section, no  
8 public service announcement or advertisement that is on  
9 behalf of any State administered program and that contains  
10 the image or voice of any executive branch constitutional  
11 officer or member of the General Assembly shall be broadcast  
12 or aired on radio or television or printed in a newspaper at  
13 any time on or after the date that the officer or member  
14 files his or her nominating petitions for public office and  
15 for any time thereafter that the officer or member remains a  
16 candidate for any office.

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

20 Section 5-30. Prohibited offer or promise. An officer or  
21 employee of the executive or legislative branch or a  
22 candidate for an executive or legislative branch office may  
23 not promise anything of value related to State government,  
24 including but not limited to positions in State government,  
25 promotions, or salary increases, in consideration for a  
26 contribution to a political committee, political party, or  
27 other entity that has as one of its purposes the financial  
28 support of a candidate for elective office.

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

31 Section 5-35. Contributions on State property.

1 Contributions shall not be intentionally solicited, accepted,  
2 offered, or made on State property by public officials, by  
3 State employees, by candidates for elective office, by  
4 persons required to be registered under the Lobbyist  
5 Registration Act, or by any officers, employees, or agents of  
6 any political organization, except as provided in this  
7 Section. For purposes of this Section, "State property" means  
8 any building or portion thereof owned or exclusively leased  
9 by the State or any State agency at the time the contribution  
10 is solicited, offered, accepted, or made. "State property"  
11 does not however, include any portion of a building that is  
12 rented or leased from the State or any State agency by a  
13 private person or entity.

14 An inadvertent solicitation, acceptance, offer, or making  
15 of a contribution is not a violation of this Section so long  
16 as reasonable and timely action is taken to return the  
17 contribution to its source.

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

22 Section 5-40. Fundraising in Sangamon County. Except as  
23 provided in this Section, any executive branch constitutional  
24 officer, any candidate for an executive branch constitutional  
25 office, any member of the General Assembly, any candidate for  
26 the General Assembly, any political caucus of the General  
27 Assembly, or any political committee on behalf of any of the  
28 foregoing may not hold a fundraising function in Sangamon  
29 County on any day the legislature is in session (i) during  
30 the period beginning February 1 and ending on the later of  
31 the actual adjournment dates of either house of the spring  
32 session and (ii) during fall veto session. For purposes of  
33 this Section, the legislature is not considered to be in

1 session on a day that is solely a perfunctory session day or  
2 on a day when only a committee is meeting.

3 During the period beginning June 1 and ending on the  
4 first day of fall veto session each year, this Section does  
5 not apply to (i) a member of the General Assembly whose  
6 legislative or representative district is entirely within  
7 Sangamon County or (ii) a candidate for the General Assembly  
8 from that legislative or representative district.

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

10 (a) No former State employee may, within a period of one  
11 year immediately after termination of State employment,  
12 knowingly accept employment or receive compensation or fees  
13 for services from an employer if the employee, during the  
14 year immediately preceding termination of State employment,  
15 and on behalf of the State or State agency, negotiated in  
16 whole or in part one or more contracts with that employer  
17 aggregating \$25,000 or more.

18 (b) The requirements of this Section may be waived by  
19 the appropriate ultimate jurisdictional authority of the  
20 former State employee if that ultimate jurisdictional  
21 authority finds in writing that the State's negotiations and  
22 decisions regarding the procurement of the contract or  
23 contracts were not materially affected by any potential for  
24 employment of that employee by the employer.

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

28

ARTICLE 15

29

WHISTLE BLOWER PROTECTION

30

Section 15-5. Definitions. In this Article:

31

"Public body" means (1) any officer, member, or State

1 agency; (2) the federal government; (3) any local law  
2 enforcement agency or prosecutorial office; (4) any federal  
3 or State judiciary, grand or petit jury, law enforcement  
4 agency, or prosecutorial office; and (5) any officer,  
5 employee, department, agency, or other division of any of the  
6 foregoing.

7 "Supervisor" means an officer, a member, or a State  
8 employee who has the authority to direct and control the work  
9 performance of a State employee or who has authority to take  
10 corrective action regarding any violation of a law, rule, or  
11 regulation of which the State employee complains.

12 "Retaliatory action" means the reprimand, discharge,  
13 suspension, demotion, or denial of promotion or transfer of  
14 any State employee in the terms and conditions of employment,  
15 and that is taken in retaliation for a State employee's  
16 involvement in protected activity, as set forth in Section  
17 15-10.

18 Section 15-10. Protected activity. An officer, a member,  
19 or a State agency shall not take any retaliatory action  
20 against a State employee because the State employee does any  
21 of the following:

22 (1) Discloses or threatens to disclose to a supervisor  
23 or to a public body an activity, policy, or practice of any  
24 officer, member, State agency, or other State employee that  
25 the State employee reasonably believes is in violation of a  
26 law, rule, or regulation.

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

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

1 Section 15-20. Burden of proof. A violation of this  
 2 Article may be established only upon a finding that (i) the  
 3 State employee engaged in conduct described in Section 15-10  
 4 and (ii) that conduct was a contributing factor in the  
 5 retaliatory action alleged by the State employee. It is not  
 6 a violation, however, if it is demonstrated that the officer,  
 7 member, other State employee, or State agency would have  
 8 taken the same unfavorable personnel action in the absence of  
 9 that conduct.

10 Section 15-25. Remedies. The State employee may be  
 11 awarded all remedies necessary to make the State employee  
 12 whole and to prevent future violations of this Article.  
 13 Remedies imposed by the court may include, but are not  
 14 limited to, all of the following:

- 15 (1) reinstatement of the employee to either the same  
 16 position held before the retaliatory action or to an  
 17 equivalent position;
- 18 (2) 2 times the amount of back pay;
- 19 (3) interest on the back pay; and
- 20 (4) the reinstatement of full fringe benefits and  
 21 seniority rights.

22 Section 15-35. Preemption. Nothing in this Article shall  
 23 be deemed to diminish the rights, privileges, or remedies of  
 24 a State employee under any other federal or State law, rule,  
 25 or regulation or under any collective bargaining agreement or  
 26 employment contract.

27 ARTICLE 50

28 PENALTIES

29 Section 50-5. Penalties.

- 30 (a) A person is guilty of a Class A misdemeanor if that

1 person intentionally violates any provision of Section 5-15,  
2 5-30, 5-40, or 5-45 or Article 15.

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

6 (c) In addition to any other penalty that may apply,  
7 whether criminal or civil, a director, a supervisor, or a  
8 State employee who intentionally violates any provision of  
9 Section 5-15, 5-20, 5-30, 5-35, or 5-40 or Article 15 is  
10 subject to discipline or discharge by the appropriate  
11 ultimate jurisdictional authority.

12 ARTICLE 70

13 GOVERNMENTAL ENTITIES

14 Section 70-5. Adoption by governmental entities.

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

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

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

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

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

7 ARTICLE 90

8 AMENDATORY PROVISIONS

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

11 (5 ILCS 100/5-165 new)

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

13 (a) Notwithstanding any law to the contrary, this  
14 Section applies to ex parte communications made during the  
15 rulemaking process.

16 (b) "Ex parte communication" means any written or oral  
17 communication by any person required to be registered under  
18 the Lobbyist Registration Act to an agency, agency head,  
19 administrative law judge, or other agency employee during the  
20 rulemaking period that imparts material information or  
21 argument regarding potential action concerning general,  
22 emergency, or peremptory rulemaking under this Act. For  
23 purposes of this Section, the rulemaking period begins upon  
24 the commencement of the first notice period with respect to  
25 general rulemaking under Section 5-40, upon the filing of a  
26 notice of emergency rulemaking under Section 5-45, or upon  
27 the filing of a notice of rulemaking with respect to  
28 peremptory rulemaking under Section 5-50. "Ex parte  
29 communication" does not include the following: (i) statements  
30 by a person publicly made in a public forum; (ii) statements  
31 regarding matters of procedure and practice, such as the



1 format of public comments, the number of copies required, the  
 2 manner of filing such comments, and the status of a  
 3 rulemaking proceeding; and (iii) statements made by a State  
 4 official or State employee.

5 (c) An ex parte communication received by any agency  
 6 head, agency employee, or administrative law judge shall be  
 7 made a part of the record of the rulemaking proceeding,  
 8 including all written communications, all written responses  
 9 to the communications, and a memorandum stating the substance  
 10 of all oral communications and all responses made and the  
 11 identity of each person from whom the ex parte communication  
 12 was received. The disclosure shall also contain the date of  
 13 any ex parte communication.

14 (5 ILCS 320/Act rep.)

15 Section 90-6. The State Employees Political Activity Act  
 16 is repealed on the effective date of the State Officials and  
 17 Employees Ethics Act.

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

20 (5 ILCS 420/Art. 3A heading new)

21 ARTICLE 3A

22 GOVERNMENTAL APPOINTEES

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

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

25 "Late term appointee" means a person who is appointed to  
 26 an office by a Governor who does not succeed himself or  
 27 herself as Governor, whose appointment requires the advice  
 28 and consent of the Senate, and whose appointment is confirmed  
 29 by the Senate 90 or fewer days before the end of the  
 30 appointing Governor's term.

1 "Succeeding Governor" means the Governor in office  
2 immediately after a Governor who appoints a late term  
3 appointee.

4 (5 ILCS 420/3A-10 new)

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

8 (5 ILCS 420/3A-15 new)

9 Sec. 3A-15. Vacancy created. Upon the earlier of the  
10 resignation of a late term appointee or the conclusion of the  
11 sixtieth day of the term of the succeeding Governor, that  
12 appointed office shall be considered vacant. The succeeding  
13 Governor may then make an appointment to fill that vacancy,  
14 regardless of whether the statute that creates the appointed  
15 office provides for appointment to fill a vacancy. All other  
16 requirements of law applicable to that appointed office shall  
17 apply to the succeeding Governor's appointee, including but  
18 not limited to eligibility, qualifications, and confirmation  
19 by the Senate.

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

21 Sec. 3A-20. Term of appointee. The term of office of  
22 an appointee filling a vacancy created under Section 3A-15  
23 shall be the term of any appointee filling a vacancy as  
24 provided by the statute that creates the appointed office.  
25 If the statute that creates the appointed office does not  
26 specify the term to be served by an appointee filling a  
27 vacancy, the term of the appointee shall be for the remainder  
28 of the term the late term appointee would have otherwise been  
29 entitled to fill.

30 (5 ILCS 420/3A-25 new)

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

5           (5 ILCS 420/3A-30 new)

6       Sec. 3A-30. Disclosure.

7       (a) Upon appointment to a board, commission, authority,  
8 or task force authorized or created by State law, a person  
9 must file with the Secretary of State a disclosure of all  
10 contracts the person or his or her spouse or immediate family  
11 members living with the person have with the State and all  
12 contracts between the State and any entity in which the  
13 person or his or her spouse or immediate family members  
14 living with the person have a majority financial interest.

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

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

20           (5 ILCS 420/3A-35 new)

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

22       (a) In addition to the provisions of subsection (a) of  
23 Section 50-13 of the Illinois Procurement Code, it is  
24 unlawful for an appointed member of a board, commission,  
25 authority, or task force authorized or created by State law  
26 or by executive order of the Governor, the spouse of the  
27 appointee, or an immediate family member of the appointee  
28 living in the appointee's residence to have or acquire a  
29 contract or have or acquire a direct pecuniary interest in a  
30 contract with the State that relates to the board,  
31 commission, authority, or task force of which he or she is an  
32 appointee during and for one year after the conclusion of the

1 person's term of office.

2 (b) If (i) a person subject to subsection (a) is  
3 entitled to receive more than 7 1/2% of the total  
4 distributable income of a partnership, association,  
5 corporation, or other business entity or (ii) a person  
6 subject to subsection (a) together with his or her spouse and  
7 immediate family members living in that person's residence  
8 are entitled to receive more than 15%, in the aggregate, of  
9 the total distributable income of a partnership, association,  
10 corporation, or other business entity then it is unlawful for  
11 that partnership, association, corporation, or other business  
12 entity to have or acquire a contract or a direct pecuniary  
13 interest in a contract prohibited by subsection (a) during  
14 and for one year after the conclusion of the person's term of  
15 office.

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

19 (10 ILCS 5/9-1.5) (from Ch. 46, par. 9-1.5)

20 Sec. 9-1.5. Expenditure defined

21 "Expenditure" means-

22 (1) a payment, distribution, purchase, loan,  
23 advance, deposit, or gift of money or anything of value,  
24 in connection with the nomination for election, or  
25 election, of any person to public office, in connection  
26 with the election of any person as ward or township  
27 committeeman in counties of 3,000,000 or more population,  
28 or in connection with any question of public policy.

29 "Expenditure" also includes a payment, distribution,  
30 purchase, loan, advance, deposit, or gift of money or  
31 anything of value that constitutes an electioneering  
32 communication regardless of whether the communication is

1 made in concert or cooperation with or at the request,  
2 suggestion, or knowledge of the candidate, the  
3 candidate's authorized local political committee, a State  
4 political committee, or any of their agents. However,  
5 expenditure does not include -

6 (a) the use of real or personal property and the  
7 cost of invitations, food, and beverages, voluntarily  
8 provided by an individual in rendering voluntary personal  
9 services on the individual's residential premises for  
10 candidate-related activities; provided the value of the  
11 service provided does not exceed an aggregate of \$150 in  
12 a reporting period;

13 (b) the sale of any food or beverage by a vendor  
14 for use in a candidate's campaign at a charge less than  
15 the normal comparable charge, if such charge for use in a  
16 candidate's campaign is at least equal to the cost of  
17 such food or beverage to the vendor.

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

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

20 (10 ILCS 5/9-1.14 new)

21 Sec. 9-1.14. Electioneering communication defined.

22 (a) "Electioneering communication" means, for the  
23 purposes of this Article, any form of communication, in  
24 whatever medium, including but not limited to, newspaper,  
25 radio, television, or Internet communications, that refers to  
26 a clearly identified candidate, candidates, or political  
27 party and is made within (i) 60 days before a general  
28 election for the office sought by the candidate or (ii) 30  
29 days before a general primary election for the office sought  
30 by the candidate.

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

32 (1) A communication, other than an advertisement,  
33 appearing in a news story, commentary, or editorial

1 distributed through the facilities of any legitimate news  
2 organization, unless the facilities are owned or  
3 controlled by any political party, political committee,  
4 or candidate.

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

8 (3) A communication made as part of a non-partisan  
9 activity designed to encourage individuals to vote or to  
10 register to vote.

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

14 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

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

1 the filing deadline.

2 In addition to the civil penalties authorized by this  
3 Section, the State Board of Elections or any other affected  
4 political committee may apply to the circuit court for a  
5 temporary restraining order or a preliminary or permanent  
6 injunction against the political committee to cease the  
7 expenditure of funds and to cease operations until the  
8 statement of organization is filed.

9 For the purpose of this Section, "statewide office" means  
10 the Governor, Lieutenant Governor, Secretary of State,  
11 Attorney General, State Treasurer, and State Comptroller.

12 The statement of organization shall include -

13 (a) the name and address of the political committee (the  
14 name of the political committee must include the name of any  
15 sponsoring entity);

16 (b) the scope, area of activity, party affiliation,  
17 candidate affiliation and his county of residence, and  
18 purposes of the political committee;

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

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

24 (e) (Blank);

25 (f) a statement of what specific disposition of residual  
26 fund will be made in the event of the dissolution or  
27 termination of the committee;

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

31 (h) the amount of funds available for campaign  
32 expenditures as of the filing date of the committee's  
33 statement of organization.

34 For purposes of this Section, a "sponsoring entity" is

1 (i) any person, political committee, organization,  
2 corporation, or association that contributes at least 33% of  
3 the total funding of the political committee or (ii) any  
4 person or other entity that is registered or is required to  
5 register under the Lobbyist Registration Act and contributes  
6 at least 33% of the total funding of the political committee.  
7 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

8 (10 ILCS 5/9-4) (from Ch. 46, par. 9-4)  
9 Sec. 9-4. The statement of organization required by this  
10 Article to be filed in accordance with Section 9-3 shall be  
11 verified, dated, and signed by either the treasurer of the  
12 political committee making the statement or the candidate on  
13 whose behalf the statement is made, and shall contain  
14 substantially the following:

15 STATEMENT OF ORGANIZATION

16 (a) name and address of the political committee:  
17 .....

18 (b) scope, area of activity, party affiliation,  
19 candidate affiliation and his county of residence, and  
20 purposes of the political committee:  
21 .....  
22 .....  
23 .....  
24 .....

25 (c) name, address, and position of each custodian of the  
26 committee's books and accounts:  
27 .....  
28 .....

29 (d) name, address, and position of the committee's  
30 principal officers, including the chairman, treasurer, and  
31 officers and members of its finance committee, if any:  
32 .....  
33 .....



1 .....

2 (e) a statement of what specific disposition of  
3 residual funds will be made in the event of the dissolution  
4 or termination of the committee:

5 .....

6 .....

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

10 .....

11 .....

12 (g) the amount of funds available for campaign  
13 expenditures as of the filing date of the committee's  
14 statement of organization:

15 .....

16 VERIFICATION:

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

27 .....

28 (date of filing) (signature of person making the statement)

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

30 (10 ILCS 5/9-8.10)

31 Sec. 9-8.10. Use of political committee and other  
32 reporting organization funds.

33 (a) A political committee, or organization subject to

1 Section 9-7.5, shall not make expenditures:

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

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

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

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

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

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

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

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

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

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

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

3 (11) For payments to a public official or candidate  
4 or his or her family member unless for compensation for  
5 services actually rendered by that person. The provisions  
6 of this item (11) do not apply to expenditures by a  
7 political committee in an aggregate amount not exceeding  
8 the amount of funds reported to and certified by the  
9 State Board or county clerk as available as of June 30,  
10 1998, in the semi-annual report of contributions and  
11 expenditures filed by the political committee for the  
12 period concluding June 30, 1998.

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

26 (c) Nothing in this Section prohibits the expenditure of  
27 funds of (i) a political committee controlled by an  
28 officeholder or by a candidate or (ii) an organization  
29 subject to Section 9-7.5 to defray the ordinary and necessary  
30 expenses of an officeholder in connection with the  
31 performance of governmental duties. For the purposes of this  
32 subsection, "ordinary and necessary expenses" include, but  
33 are not limited to, expenses in relation to the operation of  
34 the district office of a member of the General Assembly.

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

2 (10 ILCS 5/9-8.15)

3 Sec. 9-8.15. Contributions on State property. In  
4 addition to any other provision of this Code, the  
5 solicitation, acceptance, offer, and making of contributions  
6 on State property by public officials, State employees,  
7 candidates for elective office, and others are subject to the  
8 State Officials and Employees Ethics Act. If a political  
9 committee receives and retains a contribution that is in  
10 violation of Section 5-35 of the State Officials and  
11 Employees Ethics Act, then the State Board may impose a civil  
12 penalty upon that political committee in an amount equal to  
13 100% of that contribution. Contributions--shall--not--be  
14 knowingly--offered--or--accepted--on--a-face-to-face-basis-by  
15 public-officials-or--employees--or--by--candidates--on--State  
16 property-except-as-provided-in-this-Section-

17 Contributions--may--be-solicited, offered, or accepted on  
18 State-property-on-a-face-to-face-basis-by-public-officials-or  
19 employees-or-by-candidates-at-a-fundraising-event--for--which  
20 the-State-property-is-leased-or-rented-

21 Anyone--who--knowingly-offers-or-accepts-contributions-on  
22 State-property-in-violation-of-this-Section-is--guilty--of--a  
23 business-offense-subject-to-a-fine-of-\$5,000, except that for  
24 contributions--offered--or--accepted--for--State-officers-and  
25 candidates-and--political--committees--formed--for--statewide  
26 office,--the--fine-shall-not-exceed-\$10,000.--For-the-purpose  
27 of-this-Section, "statewide-office" and "State-officer" means  
28 the--Governor,--Lieutenant--Governor,--Attorney--General,  
29 Secretary-of-State, Comptroller, and-Treasurer-

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

31 (10 ILCS 5/9-9.5)

32 Sec. 9-9.5. Disclosures in political communications

1 ~~Disclosure on political literature. Any political committee,~~  
2 ~~organized under the Election Code, that makes an expenditure~~  
3 ~~for a pamphlet, circular, handbill, radio, television, or~~  
4 ~~print advertisement, or other communication directed at~~  
5 ~~voters and mentioning the name of a candidate in the next~~  
6 ~~upcoming election shall ensure that the name of the political~~  
7 ~~committee paying for any part of the communication,~~  
8 ~~including, but not limited to, its preparation and~~  
9 ~~distribution, is identified clearly within the communication~~  
10 ~~as the payor. This Section does not apply to items that are~~  
11 ~~too small to contain the required disclosure. Any--pamphlet,~~  
12 ~~circular,---handbill,---advertisement,---or---other---political~~  
13 ~~literature--that--supports--or--opposes--any--public--official,~~  
14 ~~candidate--for--public--office,--or--question--of--public--policy,--or~~  
15 ~~that--would--have--the--effect--of--supporting--or--opposing--any~~  
16 ~~public--official,--candidate--for--public--office,--or--question--of~~  
17 ~~public--policy,--shall--contain--the--name--of--the--individual--or~~  
18 ~~organization--that--authorized,--caused--to--be--authorized,--paid~~  
19 ~~for,--caused--to--be--paid--for,--or--distributed--the--pamphlet,~~  
20 ~~circular,--handbill,--advertisement,---or---other---political~~  
21 ~~literature.---If--the--individual--or--organization--includes--an~~  
22 ~~address,--it--must--be--an--actual--personal--or--business--address--of~~  
23 ~~the--individual--or--business--address--of--the--organization.~~

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

25 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

26 Sec. 9-10. Financial reports.

27 (a) The treasurer of every state political committee and  
28 the treasurer of every local political committee shall file  
29 with the Board, and the treasurer of every local political  
30 committee shall file with the county clerk, reports of  
31 campaign contributions, and semi-annual reports of campaign  
32 contributions and expenditures on forms to be prescribed or  
33 approved by the Board. The treasurer of every political

1 committee that acts as both a state political committee and a  
2 local political committee shall file a copy of each report  
3 with the State Board of Elections and the county clerk.  
4 Entities subject to Section 9-7.5 shall file reports required  
5 by that Section at times provided in this Section and are  
6 subject to the penalties provided in this Section.

7 (b) Reports of campaign contributions shall be filed no  
8 later than the 15th day next preceding each election  
9 including a primary election in connection with which the  
10 political committee has accepted or is accepting  
11 contributions or has made or is making expenditures. Such  
12 reports shall be complete as of the 30th day next preceding  
13 each election including a primary election. The Board shall  
14 assess a civil penalty not to exceed \$5,000 for a violation  
15 of this subsection, except that for State officers and  
16 candidates and political committees formed for statewide  
17 office, the civil penalty may not exceed \$10,000. The fine,  
18 however, shall not exceed \$500 for a first filing violation  
19 for filing less than 10 days after the deadline. There shall  
20 be no fine if the report is mailed and postmarked at least 72  
21 hours prior to the filing deadline. For the purpose of this  
22 subsection, "statewide office" and "State officer" means the  
23 Governor, Lieutenant Governor, Attorney General, Secretary of  
24 State, Comptroller, and Treasurer. However, a continuing  
25 political committee that neither accepts contributions nor  
26 makes expenditures on behalf of or in opposition to any  
27 candidate or public question on the ballot at an election  
28 shall not be required to file the reports heretofore  
29 prescribed but may file in lieu thereof a Statement of  
30 Nonparticipation in the Election with the Board or the Board  
31 and the county clerk.

32 (b-5) Notwithstanding the provisions of subsection (b)  
33 and Section 1.25 of the Statute on Statutes, any contribution  
34 of more than \$500 ~~or more~~ received in the interim between the

1 last date of the period covered by the last report filed  
2 under subsection (b) prior to the election and the date of  
3 the election shall be filed with and must actually be  
4 received by the State Board of Elections reported within 2  
5 business days after its receipt of such contribution. The  
6 State Board shall allow filings of reports of contributions  
7 of more than \$500 under this subsection (b-5) by political  
8 committees that are not required to file electronically to be  
9 made by facsimile transmission. For the purpose of this  
10 subsection, a contribution is considered received on the date  
11 the public official, candidate, or political committee (or  
12 equivalent person in the case of a reporting entity other  
13 than a political committee) actually receives it or, in the  
14 case of goods or services, 2 business days after the date the  
15 public official, candidate, committee, or other reporting  
16 entity receives the certification required under subsection  
17 (b) of Section 9-6. Failure to report each contribution is a  
18 separate violation of this subsection. In the final  
19 disposition of any matter by the Board on or after the  
20 effective date of this amendatory Act of the 93rd General  
21 Assembly, the Board ~~may~~ shall impose fines for violations of  
22 this subsection not to exceed 100% of the total amount of the  
23 contributions that were untimely reported, but in no case  
24 when a fine is imposed shall it be less than 10% of the total  
25 amount of the contributions that were untimely reported. When  
26 considering the amount of the fine to be imposed, the Board  
27 shall consider, but is not limited to, the following factors:

28 (1) whether in the Board's opinion the violation  
29 was committed inadvertently, negligently, knowingly, or  
30 intentionally;

31 (2) the number of days the contribution was  
32 reported late; and

33 (3) past violations of Sections 9-3 and 9-10 of  
34 this Article by the committee. as-fellows:



1           (1)--if-the-political-committee's-or-other-reporting  
2           entity's--total-receipts,-total-expenditures,-and-balance  
3           remaining-at-the-end-of-the-last--reporting--period--were  
4           each--\$5,000--or-less,-then-\$100-per-business-day-for-the  
5           first-violation,-\$200-per-business--day--for--the--second  
6           violation,-and--\$300--per-business-day-for-the-third-and  
7           subsequent-violations-

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

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

1 State, Comptroller, and Treasurer.

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

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

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

7 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,  
8 has issued an order, or has approved a written stipulation,  
9 agreed settlement or consent order, directing a person  
10 determined by the Board to be in violation of any provision  
11 of this Article or any regulation adopted thereunder, to  
12 cease or correct such violation or otherwise comply with this  
13 Article and such person fails or refuses to comply with such  
14 order, stipulation, settlement or consent order within the  
15 time specified by the Board, the Board, after affording  
16 notice and an opportunity for a public hearing, may impose a  
17 civil penalty on such person in an amount not to exceed  
18 \$5,000; except that for State officers and candidates and  
19 political committees formed for statewide office, the civil  
20 penalty may not exceed \$10,000. For the purpose of this  
21 Section, "statewide office" and "State officer" means the  
22 Governor, Lieutenant Governor, Attorney General, Secretary of  
23 State, Comptroller, and Treasurer.

24 Civil penalties imposed on any such person by the Board  
25 shall be enforceable in the Circuit Court. The Board shall  
26 petition the Court for an order to enforce collection of the  
27 penalty and, if the Court finds it has jurisdiction over the  
28 person against whom the penalty was imposed, the Court shall  
29 issue the appropriate order. Any civil penalties collected  
30 by the Court shall be forwarded to the State Treasurer.

31 In addition to or in lieu of the imposition of a civil  
32 penalty, the board may report such violation and the failure  
33 or refusal to comply with the order of the Board to the

1 Attorney General and the appropriate State's Attorney.

2 The--name--of--a--person--who--has--not--paid--a--civil--penalty  
3 imposed--against--him--or--her--under--this--Section--shall--not  
4 appear--upon--any--ballot--for--any--office--in--any--election--while  
5 the--penalty--is--unpaid.

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

7 (10 ILCS 5/9-27.5)

8 Sec. 9-27.5. Fundraising in Sangamon County within--50  
9 miles--of--Springfield. In addition to any other provision of  
10 this Code, fundraising events in Sangamon County by certain  
11 executive branch officers and candidates, legislative branch  
12 members and candidates, political caucuses, and political  
13 committees are subject to the State Officials and Employees  
14 Ethics Act. If a political committee receives and retains a  
15 contribution that is in violation of Section 5-40 of the  
16 State Officials and Employees Ethics Act, then the State  
17 Board may impose a civil penalty upon that political  
18 committee in an amount equal to 100% of that contribution.  
19 Except--as--provided--in--this--Section, any executive branch  
20 constitutional officer, any candidate for an executive branch  
21 constitutional office, any member of the General Assembly,  
22 any candidate for the General Assembly, any political caucus  
23 of the General Assembly, or any political committee on behalf  
24 of any of the foregoing may not hold a fundraising function  
25 in or within 50 miles of Springfield on any day the  
26 legislature is in session (i) during the period beginning 90  
27 days before the later of the dates scheduled by either house  
28 of the General Assembly for the adjournment of the spring  
29 session and ending on the later of the actual adjournment  
30 dates of either house of the spring session and (ii) during  
31 fall veto session. For purposes of this Section, the  
32 legislature is not considered to be in session on a day that  
33 is solely a perfunctory session day or on a day when only a

1 committee-is-meeting.

2 This--Section--does--not--apply--to-members-and-political  
3 committees-of-members-of-the-General-Assembly-whose-districts  
4 are-located,-in-whole-or-in-part,-in-or-within--50--miles--of  
5 Springfield---and--candidates--and--political--committees--of  
6 candidates-for-the-General-Assembly-from--districts--located,  
7 in--whole--or--in-part,-in-or-within-50-miles-of-Springfield,  
8 provided-that-the-fundraising-function-takes-place-within-the  
9 member's-or-candidate's-district.

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

11 (10 ILCS 5/9-30 new)

12 Sec. 9-30. Ballot forfeiture. The name of a person who  
13 has not paid a civil penalty imposed against him or her under  
14 this Article shall not appear upon any ballot for any office  
15 in any election while the penalty is unpaid.

16 Section 90-11. The Personnel Code is amended by changing  
17 Section 8b as follows:

18 (20 ILCS 415/8b.6) (from Ch. 127, par. 63b108b.6)

19 Sec. 8b.6. For a period of probation not to exceed one  
20 year before appointment or promotion is complete, and during  
21 which period a probationer may with the consent of the  
22 Director of Central Management Services, be discharged or  
23 reduced in class or rank, or replaced on the eligible list.  
24 For a person appointed to a term appointment under Section  
25 8b.18 or 8b.19, the period of probation shall not be less  
26 than 6 months.

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

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

1 (25 ILCS 10/4) (from Ch. 63, par. 23.4)

2 Sec. 4. Senate Operations Commission.

3 (a) There is created a Senate Operations Commission to  
4 consist of the following: The President of the Senate, 3  
5 Assistant Majority Leaders, the Minority Leader, one  
6 Assistant Minority Leader, and one member of the Senate  
7 appointed by the President of the Senate. The Senate  
8 Operations Commission shall have the following powers and  
9 duties: Commission shall have responsibility for the  
10 operation of the Senate in relation to the Senate Chambers,  
11 Senate offices, committee rooms and all other rooms and  
12 physical facilities used by the Senate, all equipment,  
13 furniture, and supplies used by the Senate. The Commission  
14 shall have the authority to hire all professional staff and  
15 employees necessary for the proper operation of the Senate  
16 and authority to receive and expend appropriations for the  
17 purposes set forth in this Act whether the General Assembly  
18 be in session or not. Professional staff and employees may be  
19 employed as full-time employees, part-time employees, or  
20 contractual employees. The Secretary of the Senate shall  
21 serve as Secretary and Administrative Officer of the  
22 Commission. Pursuant to the policies and direction of the  
23 Commission, he shall have direct supervision of all  
24 equipment, furniture, and supplies used by the Senate.

25 (b) The Senate Operations Commission shall adopt and  
26 implement personnel policies for professional staff and  
27 employees under its jurisdiction and control as required by  
28 the State Officials and Employees Ethics Act.

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

30 (25 ILCS 10/5) (from Ch. 63, par. 23.5)

31 Sec. 5. Speaker of the House; operations, employees, and  
32 expenditures.

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

1 have responsibility for the operation of the House in  
2 relation to the House Chambers, House offices, committee  
3 rooms and all other rooms and physical facilities used by the  
4 House, all equipment, furniture, and supplies used by the  
5 House. The Speaker of the House of Representatives shall have  
6 the authority to hire all professional staff and employees  
7 necessary for the proper operation of the House. Professional  
8 staff and employees may be employed as full-time employees,  
9 part-time employees, or contractual employees. The Speaker of  
10 the House of Representatives shall have the authority to  
11 receive and expend appropriations for the purposes set forth  
12 in this Act whether the General Assembly be in session or  
13 not.

14 (b) The Speaker of the House of Representatives shall  
15 adopt and implement personnel policies for professional staff  
16 and employees under his or her jurisdiction and control as  
17 required by the State Officials and Employees Ethics Act.

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

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

21 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

22 Sec. 4. Office allowance. Beginning July 1, 2001, each  
23 member of the House of Representatives is authorized to  
24 approve the expenditure of not more than \$61,000 per year and  
25 each member of the Senate is authorized to approve the  
26 expenditure of not more than \$73,000 per year to pay for  
27 "personal services", "contractual services", "commodities",  
28 "printing", "travel", "operation of automotive equipment",  
29 "telecommunications services", as defined in the State  
30 Finance Act, and the compensation of one or more legislative  
31 assistants authorized pursuant to this Section, in connection  
32 with his or her legislative duties and not in connection with

1 any political campaign. On July 1, 2002 and on July 1 of each  
2 year thereafter, the amount authorized per year under this  
3 Section for each member of the Senate and each member of the  
4 House of Representatives shall be increased by a percentage  
5 increase equivalent to the lesser of (i) the increase in the  
6 designated cost of living index or (ii) 5%. The designated  
7 cost of living index is the index known as the "Employment  
8 Cost Index, Wages and Salaries, By Occupation and Industry  
9 Groups: State and Local Government Workers: Public  
10 Administration" as published by the Bureau of Labor  
11 Statistics of the U.S. Department of Labor for the calendar  
12 year immediately preceding the year of the respective July  
13 1st increase date. The increase shall be added to the then  
14 current amount, and the adjusted amount so determined shall  
15 be the annual amount beginning July 1 of the increase year  
16 until July 1 of the next year. No increase under this  
17 provision shall be less than zero.

18 A member may purchase office equipment if the member  
19 certifies to the Secretary of the Senate or the Clerk of the  
20 House, as applicable, that the purchase price, whether paid  
21 in lump sum or installments, amounts to less than would be  
22 charged for renting or leasing the equipment over its  
23 anticipated useful life. All such equipment must be  
24 purchased through the Secretary of the Senate or the Clerk of  
25 the House, as applicable, for proper identification and  
26 verification of purchase.

27 Each member of the General Assembly is authorized to  
28 employ one or more legislative assistants, who shall be  
29 solely under the direction and control of that member, for  
30 the purpose of assisting the member in the performance of his  
31 or her official duties. A legislative assistant may be  
32 employed pursuant to this Section as a full-time employee,  
33 part-time employee, or contractual employee either--under  
34 ~~contract--or--as--a--State-employee~~, at the discretion of the

1 member. If employed as a State employee, a legislative  
2 assistant shall receive employment benefits on the same terms  
3 and conditions that apply to other employees of the General  
4 Assembly. Each member shall adopt and implement personnel  
5 policies for legislative assistants under his or her  
6 direction and control relating to work time requirements,  
7 documentation for reimbursement for travel on official State  
8 business, compensation, and the earning and accrual of State  
9 benefits for those legislative assistants who may be eligible  
10 to receive those benefits. The policies shall also require  
11 legislative assistants to periodically submit time sheets  
12 documenting, in quarter-hour increments, the time spent each  
13 day on official State business. The policies shall require  
14 the time sheets to be submitted on paper, electronically, or  
15 both and to be maintained in either paper or electronic  
16 format by the applicable fiscal office for a period of at  
17 least 2 years. Contractual employees may satisfy the time  
18 sheets requirement by complying with the terms of their  
19 contract, which shall provide for a means of compliance with  
20 this requirement. A member may satisfy the requirements of  
21 this paragraph by adopting and implementing the personnel  
22 policies promulgated by that member's legislative leader  
23 under the State Officials and Employees Ethics Act with  
24 respect to that member's legislative assistants.

25 As used in this Section the term "personal services"  
26 shall include contributions of the State under the Federal  
27 Insurance Contribution Act and under Article 14 of the  
28 Illinois Pension Code. As used in this Section the term  
29 "contractual services" shall not include improvements to real  
30 property unless those improvements are the obligation of the  
31 lessee under the lease agreement. Beginning July 1, 1989, as  
32 used in the Section, the term "travel" shall be limited to  
33 travel in connection with a member's legislative duties and  
34 not in connection with any political campaign. Beginning on



1 the effective date of this amendatory Act of the 93rd General  
2 Assembly July--1,--1989, as used in this Section, the term  
3 "printing" includes, but is not limited to, newsletters,  
4 brochures, certificates, congratulatory mailings, including  
5 but-not-limited-to greeting or welcome messages, anniversary  
6 or birthday cards, and congratulations for prominent  
7 achievement cards. As used in this Section, the term  
8 "printing" includes fees for non-substantive resolutions  
9 charged by the Clerk of the House of Representatives under  
10 subsection (c-5) of Section 1 of the Legislative Materials  
11 Act. No newsletter or brochure that is paid for, in whole or  
12 in part, with funds provided under this Section may be  
13 printed or mailed during a period beginning February 1 of the  
14 year of a general primary election and ending the day after  
15 the general primary election and during a period beginning  
16 September 1 of the year of a general election and ending the  
17 day after the general election. Nothing in this Section shall  
18 be construed to authorize expenditures for lodging and meals  
19 while a member is in attendance at sessions of the General  
20 Assembly.

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

25 If a vacancy occurs in the office of Senator or  
26 Representative in the General Assembly, any office equipment  
27 in the possession of the vacating member shall transfer to  
28 the member's successor; if the successor does not want such  
29 equipment, it shall be transferred to the Secretary of the  
30 Senate or Clerk of the House of Representatives, as the case  
31 may be, and if not wanted by other members of the General  
32 Assembly then to the Department of Central Management  
33 Services for treatment as surplus property under the State  
34 Property Control Act. Each member, on or before June 30th of

1 each year, shall conduct an inventory of all equipment  
2 purchased pursuant to this Act. Such inventory shall be  
3 filed with the Secretary of the Senate or the Clerk of the  
4 House, as the case may be. Whenever a vacancy occurs, the  
5 Secretary of the Senate or the Clerk of the House, as the  
6 case may be, shall conduct an inventory of equipment  
7 purchased.

8 In the event that a member leaves office during his or  
9 her term, any unexpended or unobligated portion of the  
10 allowance granted under this Section shall lapse. The  
11 vacating member's successor shall be granted an allowance in  
12 an amount, rounded to the nearest dollar, computed by  
13 dividing the annual allowance by 365 and multiplying the  
14 quotient by the number of days remaining in the fiscal year.

15 From any appropriation for the purposes of this Section  
16 for a fiscal year which overlaps 2 General Assemblies, no  
17 more than 1/2 of the annual allowance per member may be spent  
18 or encumbered by any member of either the outgoing or  
19 incoming General Assembly, except that any member of the  
20 incoming General Assembly who was a member of the outgoing  
21 General Assembly may encumber or spend any portion of his  
22 annual allowance within the fiscal year.

23 The appropriation for the annual allowances permitted by  
24 this Section shall be included in an appropriation to the  
25 President of the Senate and to the Speaker of the House of  
26 Representatives for their respective members. The President  
27 of the Senate and the Speaker of the House shall voucher for  
28 payment individual members' expenditures from their annual  
29 office allowances to the State Comptroller, subject to the  
30 authority of the Comptroller under Section 9 of the State  
31 Comptroller Act.

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

33 Section 90-20. The Legislative Commission Reorganization

1 Act of 1984 is amended by adding Section 9-2.5 as follows:

2 (25 ILCS 130/9-2.5 new)

3 Sec. 9-2.5. Newsletters and brochures. The Legislative  
4 Printing Unit may not print for any member of the General  
5 Assembly any newsletters or brochures during the period  
6 beginning February 1 of the year of a general primary  
7 election and ending the day after the general primary  
8 election and during a period beginning September 1 of the  
9 year of a general election and ending the day after the  
10 general election. A member of the General Assembly may not  
11 mail, during a period beginning February 1 of the year of a  
12 general primary election and ending the day after the general  
13 primary election and during a period beginning September 1 of  
14 the year of a general election and ending the day after the  
15 general election, any newsletters or brochures that were  
16 printed, at any time, by the Legislative Printing Unit.

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

19 (25 ILCS 160/1a) (from Ch. 63, par. 131.1)

20 Sec. 1a. Staff assistants; employment; allocation. There  
21 shall be such staff assistants for the General Assembly as  
22 necessary. Staff assistants may be employed as full-time  
23 employees, part-time employees, or contractual employees. Of  
24 the staff assistants so provided, one half the total number  
25 shall be for the Senate and one half for the House of  
26 Representatives. Of the assistants provided for the Senate,  
27 one half shall be designated by the President and one half by  
28 the minority leader. Of the assistants provided for the House  
29 of Representatives, one half shall be designated by the  
30 Speaker and one half by the minority leader.

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

1 (25 ILCS 160/2) (from Ch. 63, par. 132)

2 Sec. 2. Staff assistants; assignments.

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

8 (b) During the period when the General Assembly is not  
9 in session, the staff assistants shall perform such services  
10 as may be assigned by the President and Minority Leader of  
11 the Senate and the Speaker and Minority Leader of the House  
12 of Representatives party-leadership.

13 (c) The President and Minority Leader of the Senate and  
14 the Speaker and Minority Leader of the House of  
15 Representatives shall each adopt and implement personnel  
16 policies for staff assistants under their respective  
17 jurisdiction and control as required by the State Officials  
18 and Employees Ethics Act.

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

20 Section 90-30. The Lobbyist Registration Act is amended  
21 by adding Section 3.1 and changing Sections 3, 5, 6, 6.5, and  
22 7 as follows:

23 (25 ILCS 170/3) (from Ch. 63, par. 173)

24 Sec. 3. Persons required to register.

25 (a) Except as provided in Sections 4 and 9, the  
26 following persons shall register with the Secretary of State  
27 as provided herein:

28 (1) Any person who, for compensation or otherwise,  
29 either individually or as an employee or contractual  
30 employee of another person, undertakes to influence  
31 executive, legislative or administrative action.

32 (2) Any person who employs another person for the

1 purposes of influencing executive, legislative or  
2 administrative action.

3 (b) It is a violation of this Act to engage in lobbying  
4 or to employ any person for the purpose of lobbying who is  
5 not registered with the Office of the Secretary of State,  
6 except upon condition that the person register and the person  
7 does in fact register within 2 business days after being  
8 employed or retained for lobbying services 10-working-days-of  
9 an-agreement-to-conduct-any-lobbying-activity.

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

11 (25 ILCS 170/3.1 new)

12 Sec. 3.1. Prohibition on serving on boards and  
13 commissions. Notwithstanding any other law of this State, a  
14 person required to be registered under this Act may not serve  
15 on a board, commission, authority, or task force authorized  
16 or created by State law or by executive order of the  
17 Governor; except that this restriction does not apply to any  
18 of the following:

19 (1) a registered lobbyist serving in an elective  
20 public office, whether elected or appointed to fill a  
21 vacancy; and

22 (2) a registered lobbyist serving on a State  
23 advisory body that makes nonbinding recommendations to an  
24 agency of State government but does not make binding  
25 recommendations or determinations or take any other  
26 substantive action.

27 (25 ILCS 170/5) (from Ch. 63, par. 175)

28 Sec. 5. Lobbyist registration and disclosure. Every  
29 person required to register under Section 3 shall each-and  
30 every-year~~7-er~~ before any such service is performed which  
31 requires the person to register, but in any event not later  
32 than 2 business days after being employed or retained, and on

1 or before each January 31 and July 31 thereafter, file in the  
2 Office of the Secretary of State a written statement  
3 containing the following information with respect to each  
4 person or entity employing or retaining the person required  
5 to register:

6 (a) The registrant's name, and permanent address,  
7 e-mail address, if any, fax number, if any, business  
8 telephone number, and temporary address, if the  
9 registrant has a temporary address while lobbying of--the  
10 registrant.

11 (a-5) If the registrant is an organization or  
12 business entity, the information required under  
13 subsection (a) for each person associated with the  
14 registrant who will be lobbying, regardless of whether  
15 lobbying is a significant part of his or her duties.

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

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

22 (c-5) Each executive and legislative branch agency  
23 the registrant expects to lobby during the registration  
24 period.

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

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

4 The registrant must file an amendment to the statement  
5 within 14 calendar days to report any substantial change or  
6 addition to the information previously filed, except that a  
7 registrant must file an amendment to the statement to  
8 disclose a new agreement to retain the registrant for  
9 lobbying services before any service is performed which  
10 requires the person to register, but in any event not later  
11 than 2 business days after entering into the retainer  
12 agreement.

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

26 Persons required to register under this Act shall, on an  
27 annual basis, remit a single, annual and nonrefundable \$100  
28 \$50 registration fee and a picture of the registrant. A  
29 registrant may, in lieu of submitting a picture on an annual  
30 basis, authorize the Secretary of State to use any photo  
31 identification available in any database maintained by the  
32 Secretary of State for other purposes. All fees shall be  
33 deposited into the Lobbyist Registration Administration Fund  
34 for administration and enforcement of this Act. The increase

1 in the fee from \$50 to \$100 by this amendatory Act of the  
2 93rd General Assembly is intended to be used to implement and  
3 maintain electronic filing of reports under this Act and is  
4 in addition to any other fee increase enacted by the 93rd or  
5 any subsequent General Assembly.

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

7 (25 ILCS 170/6) (from Ch. 63, par. 176)

8 Sec. 6. Reports.

9 (a) Except as otherwise provided in this Section, every  
10 person required to register as prescribed in Section 3 shall  
11 report, verified under oath pursuant to Section 1-109 of the  
12 Code of Civil Procedure, to the Secretary of State all  
13 expenditures for lobbying made or incurred by the lobbyist on  
14 his behalf or the behalf of his employer. In the case where  
15 an individual is solely employed by another person to perform  
16 job related functions any part of which includes lobbying,  
17 the employer shall be responsible for reporting all lobbying  
18 expenditures incurred on the employer's behalf as shall be  
19 identified by the lobbyist to the employer preceding such  
20 report. Persons who contract with another person to perform  
21 lobbying activities shall be responsible for reporting all  
22 lobbying expenditures incurred on the employer's behalf. Any  
23 additional lobbying expenses incurred by the employer which  
24 are separate and apart from those incurred by the contractual  
25 employee shall be reported by the employer.

26 (b) The report shall itemize each individual expenditure  
27 or transaction over \$100 and shall include the name of the  
28 official on whose behalf the expenditure was made, the name  
29 of the client on whose behalf the expenditure was made, the  
30 total amount of the expenditure, the date on which the  
31 expenditure occurred and the subject matter of the lobbying  
32 activity, if any.

33 Expenditures attributable to lobbying officials shall be



1 listed and reported according to the following categories:

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

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

11 Expenditures incurred for hosting receptions, benefits  
12 and other large gatherings held for purposes of goodwill or  
13 otherwise to influence executive, legislative or  
14 administrative action to which there are 25 or more State  
15 officials invited shall be reported listing only the total  
16 amount of the expenditure, the date of the event, and the  
17 estimated number of officials in attendance.

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

21 The category travel and lodging includes, but is not  
22 limited to, all travel and living accommodations made for or  
23 on behalf of State officials in the capital during sessions  
24 of the General Assembly.

25 Reasonable and bona fide expenditures made by the  
26 registrant who is a member of a legislative or State study  
27 commission or committee while attending and participating in  
28 meetings and hearings of such commission or committee need  
29 not be reported.

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

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

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

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

9 Except as otherwise provided in this subsection, gifts  
10 and honoraria returned or reimbursed to the registrant within  
11 30 days of the date of receipt shall need not be reported.

12 A gift or honorarium returned or reimbursed to the  
13 registrant within 10 days after the official receives a copy  
14 of a report pursuant to Section 6.5 shall not be included in  
15 the final report unless the registrant informed the official,  
16 contemporaneously with the receipt of the gift or honorarium,  
17 that the gift or honorarium is a reportable expenditure  
18 pursuant to this Act.

19 (c) Reports under this Section shall be filed by July  
20 31, for expenditures from the previous January 1 through the  
21 later of June 30 or the final day of the regular General  
22 Assembly session, and by January 31, for expenditures from  
23 the entire previous calendar year.

24 Registrants who made no reportable expenditures during a  
25 reporting period shall file a report stating that no  
26 expenditures were incurred. Such reports shall be filed in  
27 accordance with the deadlines as prescribed in this  
28 subsection.

29 A registrant who terminates employment or duties which  
30 required him to register under this Act shall give the  
31 Secretary of State, within 30 days after the date of such  
32 termination, written notice of such termination and shall  
33 include therewith a report of the expenditures described  
34 herein, covering the period of time since the filing of his

1 last report to the date of termination of employment. Such  
2 notice and report shall be final and relieve such registrant  
3 of further reporting under this Act, unless and until he  
4 later takes employment or assumes duties requiring him to  
5 again register under this Act.

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

9 A registrant shall preserve for a period of 2 years all  
10 receipts and records used in preparing reports under this  
11 Act.

12 (e) Within 30 days after a filing deadline, the lobbyist  
13 shall notify each official on whose behalf an expenditure has  
14 been reported. Notification shall include the name of the  
15 registrant, the total amount of the expenditure, the date on  
16 which the expenditure occurred, and the subject matter of the  
17 lobbying activity.

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

19 (25 ILCS 170/6.5)

20 Sec. 6.5. Response to report by official.

21 (a) Every person required to register as prescribed in  
22 Section 3 and required to file a report with the Secretary of  
23 State as prescribed in Section 6 shall, at least 25 days  
24 before ~~the deadline for~~ filing the report, provide a copy of  
25 the report to each official listed in the report by first  
26 class mail or hand delivery. An official may, within 10 days  
27 after receiving the copy of the report, provide written  
28 objections to the report by first class mail or hand delivery  
29 to the person required to file the report. If those written  
30 objections conflict with the final report that is filed, the  
31 written objections shall be filed along with the report.

32 (b) Failure to provide a copy of the report to an  
33 official listed in the report within the time designated in

1 this Section is a violation of this Act.

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

3 (25 ILCS 170/7) (from Ch. 63, par. 177)

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

5 It shall be the duty of the Secretary of State to provide  
6 appropriate forms for the registration and reporting of  
7 information required by this Act and to keep such  
8 registrations and reports on file in his office for 3 years  
9 from the date of filing. He shall also provide and maintain a  
10 register with appropriate blanks and indexes so that the  
11 information required in Sections 5 and 6 of this Act may be  
12 accordingly entered. Such records shall be considered public  
13 information and open to public inspection.

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

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

20 Not later than 12 months after the effective date of this  
21 amendatory Act of the 93rd General Assembly, or as soon  
22 thereafter as the Secretary of State has provided adequate  
23 software to the persons required to file, all reports  
24 required under this Act shall be filed electronically. The  
25 Secretary of State shall promptly make all filed reports  
26 publicly available by means of a searchable database that is  
27 accessible through the World Wide Web. The Secretary of State  
28 shall provide all software necessary to comply with this  
29 provision to all persons required to file. The Secretary of  
30 State shall implement a plan to provide computer access and  
31 assistance to persons required to file electronically.

32 Not later than 12 months after the effective date of this  
33 amendatory Act of the 93rd General Assembly, the Secretary of

1 State shall include registrants' pictures when publishing or  
2 posting on his or her website the information required in  
3 Section 5.

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

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

7 (30 ILCS 500/50-13)

8 Sec. 50-13. Conflicts of interest.

9 (a) Prohibition. It is unlawful for any person holding  
10 an elective office in this State, holding a seat in the  
11 General Assembly, or appointed to or employed in any of the  
12 offices or agencies of State government and who receives  
13 compensation for such employment in excess of 60% of the  
14 salary of the Governor of the State of Illinois, or who is an  
15 officer or employee of the Capital Development Board or the  
16 Illinois Toll Highway Authority, or who is the spouse or  
17 minor child of any such person to have or acquire any  
18 contract, or any direct pecuniary interest in any contract  
19 therein, whether for stationery, printing, paper, or any  
20 services, materials, or supplies, that will be wholly or  
21 partially satisfied by the payment of funds appropriated by  
22 the General Assembly of the State of Illinois or in any  
23 contract of the Capital Development Board or the Illinois  
24 Toll Highway Authority.

25 (b) Interests. It is unlawful for any firm,  
26 partnership, association, or corporation, in which any person  
27 listed in subsection (a) is entitled to receive (i) more than  
28 7 1/2% of the total distributable income or (ii) an amount in  
29 excess of the salary of the Governor, to have or acquire any  
30 such contract or direct pecuniary interest therein.

31 (c) Combined interests. It is unlawful for any firm,  
32 partnership, association, or corporation, in which any person

1 listed in subsection (a) together with his or her spouse or  
2 minor children is entitled to receive (i) more than 15%, in  
3 the aggregate, of the total distributable income or (ii) an  
4 amount in excess of 2 times the salary of the Governor, to  
5 have or acquire any such contract or direct pecuniary  
6 interest therein.

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

11 (d) Securities. Nothing in this Section invalidates the  
12 provisions of any bond or other security previously offered  
13 or to be offered for sale or sold by or for the State of  
14 Illinois.

15 (e) Prior interests. This Section does not affect the  
16 validity of any contract made between the State and an  
17 officer or employee of the State or member of the General  
18 Assembly, his or her spouse, minor child, or other immediate  
19 family member living in his or her residence or any  
20 combination of those persons if that contract was in  
21 existence before his or her election or employment as an  
22 officer, member, or employee. The contract is voidable,  
23 however, if it cannot be completed within 365 days after the  
24 officer, member, or employee takes office or is employed.

25 (f) Exceptions.

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

28 (2) Teaching. This Section does not apply to a  
29 contract for personal services as a teacher or school  
30 administrator between a member of the General Assembly or  
31 his or her spouse, or a State officer or employee or his  
32 or her spouse, and any school district, public community  
33 college district, the University of Illinois, Southern  
34 Illinois University, Illinois State University, Eastern

1 Illinois University, Northern Illinois University,  
2 Western Illinois University, Chicago State University,  
3 Governor State University, or Northeastern Illinois  
4 University.

5 (3) Ministerial duties. This Section does not  
6 apply to a contract for personal services of a wholly  
7 ministerial character, including but not limited to  
8 services as a laborer, clerk, typist, stenographer, page,  
9 bookkeeper, receptionist, or telephone switchboard  
10 operator, made by a spouse or minor child of an elective  
11 or appointive State officer or employee or of a member of  
12 the General Assembly.

13 (4) Child and family services. This Section does  
14 not apply to payments made to a member of the General  
15 Assembly, a State officer or employee, his or her spouse  
16 or minor child acting as a foster parent, homemaker,  
17 advocate, or volunteer for or in behalf of a child or  
18 family served by the Department of Children and Family  
19 Services.

20 (5) Licensed professionals. Contracts with licensed  
21 professionals, provided they are competitively bid or  
22 part of a reimbursement program for specific, customary  
23 goods and services through the Department of Children and  
24 Family Services, the Department of Human Services, the  
25 Department of Public Aid, the Department of Public  
26 Health, or the Department on Aging.

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

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

31 (30 ILCS 500/50-30)

32 Sec. 50-30. Revolving door prohibition.

33 (a) Chief procurement officers, associate procurement

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

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

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

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

20 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

21 Sec. 8.1. (a) Political Committees. For the purposes of  
 22 this Section the terms defined in this subsection have the  
 23 meanings given them.

24 "Net Proceeds" means the gross receipts from the conduct  
 25 of raffles, less reasonable sums expended for prizes, license  
 26 fees and other reasonable operating expenses incurred as a  
 27 result of operating a raffle.

28 "Raffle" means a form of lottery, as defined in Section  
 29 28-2 (b) of the "Criminal Code of 1961", conducted by a  
 30 political committee licensed under this Section, in which:

31 (1) the player pays or agrees to pay something of



1 value for a chance, represented and differentiated by a  
 2 number or by a combination of numbers or by some other  
 3 medium, one or more of which chances is to be designated  
 4 the winning chance;

5 (2) the winning chance is to be determined through  
 6 a drawing or by some other method based on an element of  
 7 chance by an act or set of acts on the part of persons  
 8 conducting or connected with the lottery, except that the  
 9 winning chance shall not be determined by the outcome of  
 10 a publicly exhibited sporting contest.

11 "Unresolved claim" means a claim for civil penalty under  
 12 Sections Section 9-3, 9-10, and 9-23 of The Election Code  
 13 which has been begun by the State Board of Elections, has  
 14 been disputed by the political committee under the applicable  
 15 rules of the State Board of Elections, and has not been  
 16 finally decided either by the State Board of Elections, or,  
 17 where application for review has been made to the Courts of  
 18 Illinois, remains finally undecided by the Courts.

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

23 (b) ~~(1)~~ Licenses issued pursuant to this Section shall  
 24 be valid for one raffle or for a specified number of raffles  
 25 to be conducted during a specified period not to exceed one  
 26 year and may be suspended or revoked for any violation of  
 27 this Section. The State Board of Elections shall act on a  
 28 license application within 30 days from the date of  
 29 application.

30 ~~(2)--Licenses shall be issued only to political~~  
 31 ~~committees--which have been in existence continuously for~~  
 32 ~~a period of 1 year immediately before making application~~  
 33 ~~for a license--and--which have had during that entire 1~~  
 34 ~~year period a bona fide membership--engaged in carrying~~

1 ~~out-their-objects-~~

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

4 (1) No political committee shall conduct raffles or  
5 chances without having first obtained a license therefor  
6 pursuant to this Section.

7 (2) The application for license shall be prepared  
8 in accordance with regulations of the State Board of  
9 Elections and must specify the area or areas within the  
10 State in which raffle chances will be sold or issued, the  
11 time period during which raffle chances will be sold or  
12 issued, the time of determination of winning chances and  
13 the location or locations at which winning chances will  
14 be determined.

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

17 The following are ineligible for any license under this  
18 Section:

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

21 (ii) any political committee which has an  
22 officer who is or has been a professional gambler or  
23 gambling promoter;

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

26 (iv) any political committee which has an  
27 officer who is also an officer of a firm or  
28 corporation in which a person defined in (i), (ii)  
29 or (iii) has a proprietary, equitable or credit  
30 interest, or in which such a person is active or  
31 employed;

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

1 (vi) any political committee in which a person  
2 defined in (i), (ii) or (iii) is to participate in  
3 the management or operation of a raffle as defined  
4 in this Section;

5 (vii) any committee which, at the time of its  
6 application for a license to conduct a raffle, owes  
7 the State Board of Elections any unpaid civil  
8 penalty authorized by Sections Section 9-3, 9-10,  
9 and 9-23 of The Election Code, or is the subject of  
10 an unresolved claim for a civil penalty under  
11 Sections Section 9-3, 9-10, and 9-23 of The Election  
12 Code;

13 (viii) any political committee which, at the  
14 time of its application to conduct a raffle, has not  
15 submitted any report or document required to be  
16 filed by Article 9 of The Election Code and such  
17 report or document is more than 10 days overdue.

18 (d) (1) The conducting of raffles is subject to the  
19 following restrictions:

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

23 (ii) No person except a bona fide member of  
24 the political committee may participate in the  
25 management or operation of the raffle.

26 (iii) No person may receive any remuneration  
27 or profit for participating in the management or  
28 operation of the raffle.

29 (iv) Raffle chances may be sold or issued only  
30 within the area specified on the license and winning  
31 chances may be determined only at those locations  
32 specified on the license.

33 (v) A person under the age of 18 years may  
34 participate in the conducting of raffles or chances

1           only with the permission of a parent or guardian. A  
2           person under the age of 18 years may be within the  
3           area where winning chances are being determined only  
4           when accompanied by his parent or guardian.

5           (2) If a lessor rents premises where a winning  
6           chance or chances on a raffle are determined, the lessor  
7           shall not be criminally liable if the person who uses the  
8           premises for the determining of winning chances does not  
9           hold a license issued under the provisions of this  
10          Section.

11          (e) (1) Each political committee licensed to conduct  
12          raffles and chances shall keep records of its gross  
13          receipts, expenses and net proceeds for each single  
14          gathering or occasion at which winning chances are  
15          determined. All deductions from gross receipts for each  
16          single gathering or occasion shall be documented with  
17          receipts or other records indicating the amount, a  
18          description of the purchased item or service or other  
19          reason for the deduction, and the recipient. The  
20          distribution of net proceeds shall be itemized as to  
21          payee, purpose, amount and date of payment.

22          (2) Each political committee licensed to conduct  
23          raffles shall report on the next report due to be filed  
24          under Article 9 of The Election Code its gross receipts,  
25          expenses and net proceeds from raffles, and the  
26          distribution of net proceeds itemized as required in this  
27          subsection.

28          Such reports shall be included in the regular reports  
29          required of political committees by Article 9 of The Election  
30          Code.

31          (3) Records required by this subsection shall be  
32          preserved for 3 years, and political committees shall  
33          make available their records relating to operation of  
34          raffles for public inspection at reasonable times and

1 places.

2 (f) Violation of any provision of this Section is a  
3 Class C misdemeanor.

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

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

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

11 (745 ILCS 5/1) (from Ch. 127, par. 801)

12 Sec. 1. Except as provided in the "Illinois Public Labor  
13 Relations Act", ~~enacted by the 83rd General Assembly, or~~  
14 ~~except as provided in "AN ACT to create the Court of Claims~~  
15 Act, and the State Officials and Employees Ethics Act to  
16 ~~prescribe its powers and duties, and to repeal AN ACT herein~~  
17 ~~named", filed July 17, 1945, as amended,~~ the State of  
18 Illinois shall not be made a defendant or party in any court.

19 (Source: P.A. 83-1012.)

20 ARTICLE 99

21 MISCELLANEOUS PROVISIONS

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

24 Section 99-99. Effective date. This Act takes effect  
25 upon becoming law."