

1 AN ACT concerning the Office of Secretary of State.

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

4 Section 5. The Secretary of State Act is amended by
5 adding Section 14 as follows:

6 (15 ILCS 305/14 new)

7 Sec. 14. Inspector General.

8 (a) The Secretary of State must, with the advice and
9 consent of the Senate, appoint an Inspector General for the
10 purpose of detection, deterrence, and prevention of fraud,
11 waste, mismanagement, misconduct, and other abuses in the
12 Office of the Secretary of State. The Inspector General must
13 review, coordinate, and institute methods and procedures to
14 increase the integrity, productivity, and efficiency of the
15 Office of Secretary of State. The duties of the Inspector
16 General shall supplement and not supplant the duties of the
17 Chief Auditor for the Secretary of State's Office. The
18 Inspector General must report directly to the Secretary of
19 State.

20 (b) The Secretary of State may designate the Inspector
21 General and members of the Inspector General's office as
22 peace officers. These inspectors shall have all the powers
23 possessed by police officers in municipalities and by
24 sheriffs of counties, and the inspectors may exercise those
25 powers anywhere in the State in the investigation of
26 allegations of criminal behavior affecting the operations of
27 the Office of Secretary of State.

28 No inspector may have peace officer status or exercise
29 police powers unless he or she successfully completes the
30 basic police training mandated and approved by the Illinois
31 Law Enforcement Training Standards Board or the Board waives

1 the training requirement by reason of the inspector's prior
2 law enforcement experience or training, or both.

3 The Board may not waive the training requirement unless
4 the inspector has had a minimum of 5 years experience as a
5 sworn officer of a local, state, or federal law enforcement
6 agency, 2 of which must have been in an investigatory
7 capacity.

8 (c) In addition to the authority otherwise provided by
9 this Section, the Inspector General, is authorized:

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

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

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

24 (4) To require by subpoena appearance of witnesses
25 and the production of all information, documents,
26 reports, answers, records, accounts, papers, and other
27 data and documentary evidence necessary in the
28 performance of the functions assigned by this Section.
29 Any person who knowingly (A) fails to appear in response
30 to a subpoena; (B) fails to answer any question; (C)
31 fails to produce any books or papers pertinent to an
32 investigation under this Section; or (D) gives false
33 testimony during an investigation under this Section is
34 guilty of a Class A misdemeanor.

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

5 (d) The Inspector General may receive and investigate
6 complaints or information from an employee of the Secretary
7 of State concerning the possible existence of an activity
8 constituting a violation of law, rules, or regulations;
9 mismanagement; abuse of authority; or substantial and
10 specific danger to the public health and safety. Any
11 employee who knowingly files a frivolous complaint may be
12 subject to discipline as set forth in the rules of the
13 Department of Personnel of the Secretary of State.

14 The Inspector General may not, after receipt of a
15 complaint or information from an employee, disclose the
16 identity of the employee without the consent of the employee,
17 unless the Inspector General determines the disclosure is in
18 the best interests of or reasonably necessary to further or
19 advance the investigation.

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

28 (e) The Inspector General must adopt rules establishing
29 minimum requirements for initiating, conducting, and
30 completing investigations. The rules must establish criteria
31 for determining, based upon the nature of the allegation, the
32 appropriate method of investigation, which may include, but
33 is not limited to, site visits, telephone contacts, personal
34 interviews, or requests for written responses. The rules

1 must also clarify how the Office of the Inspector General
2 shall interact with other local, State, and federal law
3 enforcement agencies in investigations.