

Many States Restrict “Robo-Calls”

During an election season, some candidates and political committees use “robo-calls” to contact voters. Robo-calls use an automated system to store or produce telephone numbers for dialing and play a prerecorded message. Compared to television and print media, the calls are a relatively inexpensive way to communicate. But opponents of the calls charge that they are annoying and sometimes misleading.

A federal regulation requires that automated political calls identify the caller (but not the entity that paid for the call) and give the caller’s telephone number. Many states put tighter limitations on such calls. Some state laws limiting such calls have been challenged in court on free speech grounds, but it does not appear that any such laws have been overturned on that basis.

Illinois

Illinois requires that a political committee that pays for a telephone communication that mentions a candidate’s name, or advocates or opposes a public policy, must ensure that the committee’s name is identified in the call (except for polls). Another law regulates the use of automatic dialing equipment; but calls made on behalf of a political organization are exempt, except for a provision that prohibits such equipment from blocking caller ID.

Other States

Arkansas and Wyoming prohibit automated political calls.

Eight states require a live operator to obtain the called person’s consent before playing the recorded message, unless the person has made a prior agreement to receive the call:

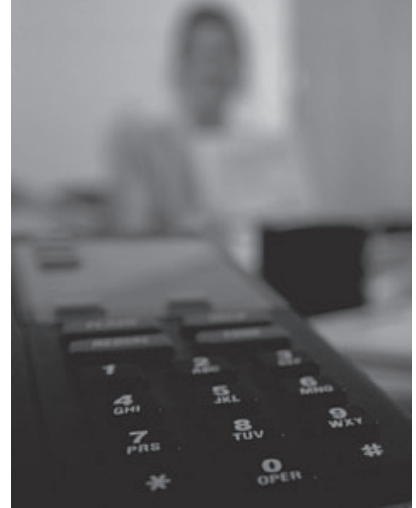
California	Mississippi
Georgia	Montana
Indiana	New Jersey
Minnesota	North Dakota

Such consent is required when the call is for a poll in Kentucky, Maryland, and Tennessee, or for fundraising in

Utah. Iowa requires that a live operator speak in each fundraising call, and South Carolina requires that a live operator assist in each automated call.

Thirteen states require disclosure during an automated call of the person or entity paying for the call or for whom it is made (except polling calls in Florida and Louisiana):

California	Louisiana	New York
Connecticut	Minnesota	North Carolina
Florida	Mississippi	North Dakota
Idaho	Nebraska	Virginia
Indiana		



Some states require such disclosure in more limited circumstances, such as if the call is for a political poll.

Six states require persons intending to make automated calls to get a permit from the state or file the name of a registered agent located in the state: Florida, Georgia, Kentucky, Maine, Nebraska, and Tennessee. California and Mississippi require such persons to get approval from the local phone company. New Hampshire requires a

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permit before making automated fundraising calls or conducting automated polls. Florida and Louisiana require that written authorization from the candidate or committee that sponsors an automated call be filed with election authorities.

Some states prohibit calls to persons on the federal do-not-call registry, and restrict the times of day during which calls may be made. Table 1 on page 3 summarizes the state laws.

Constitutional challenges

Several cases in recent decades have challenged state laws restricting or prohibiting use of autodialers to make recorded calls (most often for commercial advertising). No simple rule

has emerged from these cases, in which some laws have been struck down but others have been upheld. The state and federal courts hearing these cases have attempted to uphold restrictions that are reasonably designed to protect telephone subscribers’ privacy without unduly limiting the speech rights of businesses.

A law that has been upheld in recent years is Indiana’s law on automatic dialing machines. Its major restriction on such machines is that before a message from one of them begins, a live operator must obtain the consent of the subscriber to listen to a recorded message—unless the subscriber has already knowingly consented to getting such calls. Thus it does not prohibit “robo-calls” for political purposes, but gives each subscriber who is called an opportunity to refuse—and perhaps to instruct the calling company never to call again. The U.S. Court of Appeals

for the Seventh Circuit (in Chicago) in 2007 held that a U.S. district court in Indiana should abstain from deciding the validity of that law while Indiana courts heard a case on it. That case eventually (in 2008) brought a decision by the Indiana Supreme Court upholding the law against a challenge by commercial advertisers. (The court had no occasion to address the law’s application to political messages, and expressed no opinion on its validity as so applied.)

The lack of a simple rule on which laws of this type are constitutional seems likely to make this an active topic for lawmaking for years to come. □

Sarah E. Franklin
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This article is based on a Legislative Research Unit Research Response that was recently issued.

Bowhay Institute for Legislative Leadership Development

Application Deadline is March 22

Applications for the 2010 Bowhay Institute for Legislative Leadership Development (BILLD) are due on March 22. BILLD is the only leadership training program designed exclusively for newer state legislators in the Midwest. Regional lawmakers in their first 4 years of legislative service are encouraged to apply. Forty Illinois legislators from both houses and both political parties have attended the Institute since 1995.

Each year, BILLD awards fellowships to 36 select legislators in the Midwestern states and provinces to help them develop the skills they need to be effective leaders and policymakers. The 16th annual Bowhay Institute will be held July 9-13 in Madison, Wisconsin. The intensive five-day program is conducted by the Midwestern Legislative Conference of The Council of State Governments, in cooperation with The Robert M. La Follette School of Public Affairs at the University of Wisconsin. The curriculum includes leadership training, professional development sessions, and policy seminars.

The annual fellowships are awarded on a competitive, nonpartisan basis by the BILLD Steering Committee, a bipartisan group of legislators from each state in the region. Applicants are evaluated based on their leadership potential, including problem-solving skills, their dedication to public service, and their commitment to improving the legislative process. Each fellowship covers the cost of tuition, lodging, and meals. A nominal travel stipend is also offered to each participant. For application materials or more information, please contact Laura A. Tomaka at (630) 925-1922 or ltomaka@csg.org. Or visit CSG Midwest’s Web site at www.csgmidwest.org.

Table 1: Laws on Automated Political Calls by State

<i>State</i>	<i>Banned</i>	<i>Allowed</i>	<i>Consent required</i>	<i>Sponsor must be named</i>	<i>Other provisions</i>
Alabama	-	<input type="checkbox"/>	-	-	-
Alaska	-	<input type="checkbox"/>	-	-	-
Arizona	-	<input type="checkbox"/>	-	-	-
Arkansas	■	-	-	-	-
California	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phone company approval required; no calls from 9:00 p.m. to 9:00 a.m.
Colorado	-	<input type="checkbox"/>	-	-	-
Connecticut	-	<input type="checkbox"/>	-	<input type="checkbox"/>	Candidate's name and voice must be in narrative
Delaware	-	<input type="checkbox"/>	-	-	-
Florida	-	<input type="checkbox"/>	-	<input type="checkbox"/> (except polls)	Must appoint a registered agent; candidate or other sponsor of calls must authorize them in writing
Georgia	-	<input type="checkbox"/>	<input type="checkbox"/>	-	Permit required
Hawaii	-	<input type="checkbox"/>	-	-	-
Idaho	-	<input type="checkbox"/>	-	<input type="checkbox"/>	No calls from 9:00 p.m. to 9:00 a.m.
Illinois	-	<input type="checkbox"/>	-	<input type="checkbox"/> (except polls)	-
Indiana	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No calls from 8:00 p.m. to 9:00 a.m.
Iowa	-	<input type="checkbox"/>	-	-	A live operator must speak during a fundraising call
Kansas	-	<input type="checkbox"/>	-	-	-
Kentucky	-	<input type="checkbox"/>	For polls	-	Permit required; no polls from 9:00 p.m. to 8:00 a.m.
Louisiana	-	<input type="checkbox"/>	-	<input type="checkbox"/> (except polls)	Written authorization for calls required

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Table 1: Laws on Automated Political Calls by State (cont'd) *(continued from p. 3)*

<i>State</i>	<i>Banned</i>	<i>Allowed</i>	<i>Consent required</i>	<i>Sponsor must be named</i>	<i>Other provisions</i>
Maine	-	<input type="checkbox"/>	-	<input type="checkbox"/> (during stated times before election)	Registered agent required; no polls from 5:00 p.m. to 9:00 a.m. or on weekends; extensive disclosure requirements for “push polls”
Maryland	-	<input type="checkbox"/>	For polls	-	-
Massachusetts	-	<input type="checkbox"/>	-	-	No calls to people on a no-call list kept by each telephone company
Michigan	-	<input type="checkbox"/>	-	-	-
Minnesota	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No calls from 9:00 p.m. to 9:00 a.m.
Mississippi	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phone company approval required; no calls from 9:00 p.m. to 9:00 a.m.
Missouri	-	<input type="checkbox"/>	-	-	-
Montana	-	<input type="checkbox"/>	<input type="checkbox"/>	-	-
Nebraska	-	<input type="checkbox"/>	-	<input type="checkbox"/>	Permit required; no calls from 9:00 p.m. to 8:00 a.m.
Nevada	-	<input type="checkbox"/>	-	For persuasive polls	-
New Hampshire	-	<input type="checkbox"/>	-	For fundraising calls and polls	No calls to persons on federal do-not-call list; permit is required for fundraising calls and polls
New Jersey	-	<input type="checkbox"/>	<input type="checkbox"/>	-	-
New Mexico	-	<input type="checkbox"/>	-	If the call is among at least 500 during an election cycle	-
New York	-	<input type="checkbox"/>	-	<input type="checkbox"/>	-
North Carolina	-	<input type="checkbox"/>	-	<input type="checkbox"/>	-
North Dakota	-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Random or sequential dialing equipment must exclude persons on state do-not-call list (which includes persons on the federal list); no calls from 9:00 p.m. to 8:00 a.m.

Table 1: Laws on Automated Political Calls by State (cont'd)

<i>State</i>	<i>Banned</i>	<i>Allowed</i>	<i>Consent required</i>	<i>Sponsor must be named</i>	<i>Other provisions</i>
Ohio	-	<input type="checkbox"/>	-	-	-
Oklahoma	-	<input type="checkbox"/>	-	-	-
Oregon	-	<input type="checkbox"/>	-	-	Random or sequential dialing equipment must exclude persons on the federal do-not-call list; no calls from 9:00 p.m. to 9:00 a.m.
Pennsylvania	-	<input type="checkbox"/>	-	-	-
Rhode Island	-	<input type="checkbox"/>	-	-	-
South Carolina	-	<input type="checkbox"/>	-	-	A live operator must assist in the call
South Dakota	-	<input type="checkbox"/>	-	-	-
Tennessee	-	<input type="checkbox"/>	For polls	-	Permit required; no polls from 9:00 p.m. to 8:00 a.m.
Texas	-	<input type="checkbox"/>	-	-	-
Utah	-	<input type="checkbox"/>	For fundraising calls	For fundraising calls	No fundraising calls (1) to people who have not previously agreed to take calls and have no business relationship with caller; (2) to persons on federal do-not-call list; or (3) between 9:00 p.m. and 8:00 a.m., on a Sunday, or on a legal holiday
Vermont	-	<input type="checkbox"/>	-	-	-
Virginia	-	<input type="checkbox"/>	-	<input type="checkbox"/>	-
Washington	-	<input type="checkbox"/>	-	-	-
West Virginia	-	<input type="checkbox"/>	-	-	-
Wisconsin	-	<input type="checkbox"/>	-	-	-
Wyoming	■	-	-	-	-
Totals	<u>2</u>	<u>48</u>			

Sources: State statutes

2010 Primary Election Winners

(Unofficial list)

Executive Officials

Democrat

Republican

Green

Governor

Pat Quinn, Chicago
Daniel W. Hynes, Chicago

Adam Andrzejewski, Hinsdale
Bill Brady, Bloomington
Kirk W. Dillard, Hinsdale
Andy McKenna, Chicago
Dan Proft, Chicago
Jim Ryan, Elmhurst
Robert J. "Bob" Schillerstrom, Naperville

Rich Whitney, Carbondale

Lieutenant Governor

Mike Boland, East Moline
Thomas Michael Castillo, Elmhurst
Scott Lee Cohen, Chicago - resigned
Rickey R. Hendon, Chicago
Terry Link, Waukegan
Arthur L. Turner, Chicago
[No replacement named at print date]

Brad Cole, Carbondale
Dennis W. Cook, Orland Park
Matt Murphy, Palatine
Jason Plummer, Edwardsville
Don Tracy, Springfield
Randy A. White, Sr., Hamilton

Don W. Crawford, St. Elmo

Attorney General

Lisa Madigan, Chicago

Kim Steve, Northbrook

David F. Black, Belvidere

Secretary of State

Jesse White, Chicago

Robert Enriquez, Aurora

Adrian Frost, Plano

Comptroller

Raja S. Krishnamoorthi, Hoffman Estates
Clinton A. "Clint" Krislov, Wilmette
David E. Miller, Lynwood

Jim Dodge, Orland Park
William J. Kelly, Chicago
Judy Baar Topinka, Riverside

Erika R. Schafer, Chicago

Treasurer

Robin Kelly, Matteson
Justin P. Oberman, Chicago

Dan Rutherford, Chenoa

Scott K. Summers, Harvard

* *Italics denotes incumbent.*

Senators

Dist.	Democrat	Republican
1	<i>Antonio “Tony” Munoz, Chicago</i> Adolfo Mondragon, Chicago	None
4	<i>Kimberly A. Lightford, Maywood</i>	None
7	<i>Heather Steans, Chicago</i> Jim Madigan, Chicago	Adam Robinson, Chicago
10	<i>Mary Sendra Anselmo, Chicago</i> Wanda Majcher, Chicago John G. Mulroe, Chicago Thomas M. Ryan, Chicago	Brian G. Doherty, Chicago
13	<i>Kwame Raoul, Chicago</i>	None
16	<i>Jacqueline Y. “Jacqui” Collins, Chicago</i>	None
19	<i>M. Maggie Crotty, Oak Forest</i>	None
22	<i>Michael Noland, Elgin</i>	Steven J. Rauschenberger, Elgin
25	Leslie N. Juby, Geneva P. Sean Michels, Sugar Grove	<i>Chris Lauzen, Aurora</i>
28	Corinne Michelle Pierog, St. Charles	<i>John J. Millner, Carol Stream</i>
31	<i>Michael Bond, Grayslake</i>	Suzi Schmidt, Lake Villa
34	Jennifer Cacciapaglia, Rockford	<i>Dave Syverson, Rockford</i>
37	None	<i>Dale Risinger, Peoria</i>
40	<i>Toi Hutchinson, Olympia Fields</i>	Adam Baumgartner, Monee Judy Ogalla, Monee
43	<i>Arthur J. “AJ” Wilhelmi, Joliet</i>	None
46	<i>David Koehler, Peoria</i>	None
49	<i>Deanna Demuzio, Carlinville</i>	William “Sam” McCann, Carlinville
51	Amy M. Bliefnick, Decatur Tim Dudley, Decatur	<i>Kyle McCarter, Lebanon</i>
52	<i>Michael W. Frerichs, Champaign</i>	None
55	None	<i>Dale A. Righter, Charleston</i>
58	Jeremy Randal Walker, Red Bud	<i>David S. Luechtefeld, Okawville</i>

* *Italics denotes incumbent.*

Not returning

James A. DeLeo (D, 10)
Frank C. Watson (R, 51)

Representatives

Dist.	Democrat	Republican	Green
1	<i>Susana A. Mendoza, Chicago</i>	None	None
2	<i>Edward Acevedo, Chicago</i> Robert Martinez, Chicago Richard G. Schultz, Chicago Josip "Joe" Trutin, Chicago	None	None
3	<i>Luis Arroyo, Chicago</i>	None	None
4	<i>Cynthia Soto, Chicago</i> Jose "Joe" Massas, Chicago	None	None
5	<i>Kenneth "Ken" Dunkin, Chicago</i> Gwendolyn "Gwen" Drake, Chicago David Schroeder, Chicago	None	None
6	<i>Esther Golar, Chicago</i>	None	None
7	<i>Karen A. Yarbrough, Maywood</i>	None	None
8	<i>La Shawn K. Ford, Chicago</i>	None	None
9	John Burros, Chicago Bruce L. Jackson, Chicago Keith L. Jackson, Chicago Jerry L. Patton, Chicago Arthur Turner, Chicago Dorothy L. Walton, Chicago	None	None
10	<i>Annazette R. Collins, Chicago</i> Jonathan Goldman, Chicago Keith D. Muhammad, Chicago Joseph W. Sneed, Chicago Mable Taylor, Chicago Eddie Winters, Chicago	None	None
11	Dan Farley, Chicago Ed Mullen, Chicago Ann M. Williams, Chicago	Scott Tucker, Chicago	None
12	<i>Sara Feigenholtz, Chicago</i>	None	None
13	<i>Gregory Harris, Chicago</i>	None	None
14	<i>Harry Osterman, Chicago</i>	None	None
15	<i>John C. D'Amico, Chicago</i>	None	None
16	<i>Louis I. Lang, Skokie</i>	None	None
17	Daniel K. Biss, Evanston	Hamilton Chang, Wilmette	None
18	Robyn Gabel, Evanston Patrick Keenan-Devlin, Evanston Eamon Kelly, Evanston Edmund B. Moran, Jr., Evanston Jeffrey Paul Smith, Evanston	None	None
19	<i>Joseph M. Lyons, Chicago</i>	David J. Anderson, Chicago	None
20	None	<i>Michael P. McAuliffe, Chicago</i>	None
21	<i>Michael J. Zalewski, Chicago</i> Terrence J. Collins, Chicago	None	None
22	<i>Michael J. Madigan, Chicago</i>	Patrick John Ryan, Chicago	None
23	<i>Daniel J. "Dan" Burke, Chicago</i> Rene Diaz, Chicago Rudy Lozano, Chicago Martin Meza-Zavala, Chicago	None	None

Dist.	Democrat	Republican	Green
24	<i>Elizabeth “Lisa” Hernandez, Cicero</i>	None	None
25	<i>Barbara Flynn Currie, Chicago</i>	None	None
26	<i>Will Burns, Chicago</i>	Sylvester “Junebug” Hendricks, Chicago	None
27	<i>Monique D. Davis, Chicago</i>	None	None
28	<i>Robert “Bob” Rita, Blue Island</i>	None	None
29	Thaddeus Jones, Calumet City Sheryl E. Tillman, Calumet City	None	None
30	<i>William “Will” Davis, Homewood</i>	None	None
31	<i>Mary E. Flowers, Chicago</i>	None	None
32	<i>André Thapedi, Chicago</i> Yvette Williams, Chicago	None	None
33	<i>Marlow H. Colvin, Chicago</i>	None	None
34	<i>Constance A. “Connie” Howard, Chicago</i>	None	None
35	<i>Kevin C. Joyce, Chicago</i>	Barbara Ruth Bellar, Burr Ridge	None
36	Kelly M. Burke, Evergreen Park Michael B. Macellario, Evergreen Park Angela McMahon, Evergreen Park Karen Sullivan Casey, Oak Lawn	Richard L. Grabowski, Hometown	None
37	<i>Kevin A. McCarthy, Orland Park</i>	Molly McAvoy Flynn, Orland Park Jeffrey L. Junkas, Tinley Park	None
38	<i>Al Riley, Olympia Fields</i>	None	None
39	<i>Maria Antonia “Toni” Berrios, Chicago</i>	None	Jeremy Karpen, Chicago
40	<i>Deborah Mell, Chicago</i> Joe Laiacona, Chicago	None	None
41	Brian J. Stephenson, La Grange Park	Matt Burden, La Grange Park Michael A. Manzo, Oak Brook Chris Nybo, Elmhurst Rafael Rivadencira, Elmhurst Brien Sheahan, Elmhurst	None
42	Kathryn F. Vlahos, Downers Grove	<i>Sandra M. Pihos, Glen Ellyn</i>	None
43	<i>Keith Farnham, Elgin</i>	Ruth Munson, Elgin	None
44	<i>Fred Crespo, Hoffman Estates</i>	Billie D. Roth, Streamwood	None
45	Jim Hagerty, Roselle	<i>Franco Coladipietro, Bloomington</i>	None
46	Deborah O’Keefe Conroy, Elmhurst	<i>Dennis Reboletti, Elmhurst</i>	None
47	James F. “Jim” Speta, Downers Grove	<i>Patricia R. “Patti” Bellock, Hinsdale</i>	Bob Mueller, Westmont
48	Barbara Green, Lisle	<i>Michael Connolly, Lisle</i>	None
49	Jennifer Barconi, South Elgin	<i>Timothy L. Schmitz, Batavia</i>	None
50	Linda Healy, Aurora	<i>Kay Hatcher, Yorkville</i> Bob McQuillan, Geneva Keith R. Wheeler, Oswego	None
51	Steve Riess, Hawthorn Woods	<i>Ed Sullivan, Jr., Mundelein</i>	None
52	None	<i>Mark H. Beaubien, Jr., Barrington Hills</i>	None
53	Linda Birnbaum, Wheeling	<i>Sidney H. Mathias, Buffalo Grove</i>	None
54	Matt Flamm, Palatine	<i>Suzanne “Suzie” Bassi, Palatine</i> Thomas R. “Tom” Morrison, Palatine	None
55	Gregory C. Brownfield, Bartlett	<i>Harry “Randy” Ramey, Jr., Carol Stream</i>	None
56	Michelle Mussman, Schaumburg	Anita Forte-Scott, Schaumburg Ryan Higgins, Schaumburg	None
57	<i>Elaine Nekritz, Northbrook</i>	Richard G. Hamen, Prospect Heights	None
58	<i>Karen May, Highland Park</i>	Lauren G. Turelli, Lake Forest	None

Dist.	Democrat	Republican	Green
59	<i>Carol Sente, Vernon Hills</i> <i>Elliott Hartstein, Buffalo Grove</i>	<i>Cynthia R. Hebda, Vernon Hills</i> <i>Mohan Manian, Green Oaks</i> <i>Dan Sugrue, Green Oaks</i>	None
60	<i>Eddie Washington, Waukegan</i> <i>Angelo Kyle, Waukegan</i>	None	None
61	<i>Scott Pollak, Antioch</i>	<i>JoAnn Osmond, Antioch</i>	None
62	<i>Rich Voltair, Round Lake Beach</i> <i>Paul Mitchell, Hainesville</i>	<i>Sandy Cole, Grayslake</i>	None
63	<i>Jack D. Franks, Marengo</i>	<i>John O'Neill, McHenry</i>	None
64	<i>Robert Kaempfe, Crystal Lake</i>	<i>Michael W. "Mike" Tryon, Crystal Lake</i>	None
65	None	<i>Rosemary Mulligan, Des Plaines</i>	None
66	<i>Mark Walker, Arlington Heights</i>	<i>David Harris, Arlington Heights</i>	None
67	<i>Charles E. "Chuck" Jefferson, Rockford</i>	<i>Robert E. Brokish, Jr., Rockford</i>	None
68	<i>Paul J. Williams, South Beloit</i> <i>Marla Jean Wilson, Rockford</i>	<i>Dave Winters, Shirland</i> <i>John M. Cabello, Machesney Park</i>	Gerry Woods, Machesney Park
69	<i>Ray Pendzinski, Belvidere</i>	<i>Michele Corirossi, Rockford</i> <i>Thaddaeus V. Loffelmacher, Rockford</i> <i>Joe Sosnowski, Rockford</i>	Daniel Lindsey, South Beloit
70	None	<i>Robert W. "Bob" Pritchard, Hinckley</i>	None
71	<i>Dennis Ahern, Moline</i> <i>Jerry Lack, East Moline</i> <i>Porter McNeil, Moline</i>	<i>Richard Morthland, Cordova</i>	None
72	<i>Patrick J. Verschoore, Milan</i>	<i>Mark Lioen, Rock Island</i>	None
73	None	<i>David R. Leitch, Peoria</i>	None
74	<i>Elizabeth Double, Galva</i>	<i>Donald L. Moffitt, Gilson</i>	None
75	<i>Careen M. Gordon, Morris</i>	<i>Sue Rezin, Morris</i>	None
76	<i>Frank J. Mautino, Spring Valley</i>	None	None
77	None	<i>Angelo "Skip" Saviano, Elmwood Park</i>	None
78	<i>Deborah L. Graham, Chicago</i>	None	None
79	<i>Lisa Dugan, Bradley</i>	<i>Nick Been, Manhattan</i>	George Ochsenfeld, Monee
80	<i>Anthony DeLuca, Chicago Heights</i>	None	None
81	<i>David Ho, Frankfort</i> <i>John F. Unhoch, Orland Park</i>	<i>Renée Kosel, New Lenox</i>	None
82	<i>Matthew T. Mostowik, Darien</i>	<i>Jim Durkin, Western Springs</i>	None
83	<i>Linda Chapa LaVia, Aurora</i>	None	None
84	<i>Dennis Grosskopf, Shorewood</i>	<i>Tom Cross, Oswego</i>	None
85	<i>Emily McAsey, Lockport</i>	<i>Maripat Oliver, Bolingbrook</i>	None
86	<i>John C. "Jack" McGuire, Joliet</i>	None	None
87	<i>George H. Wissmiller, DeWitt</i>	<i>Bill Mitchell, Forsyth</i>	None
88	None	<i>Daniel P. "Dan" Brady, Bloomington</i>	None
89	None	<i>Jim Sacia, Pecatonica</i>	None
90	<i>Kenneth J. Novak, Amboy</i>	<i>Gerald L. "Jerry" Mitchell, Sterling</i>	None
91	<i>Michael K. Smith, Canton</i>	<i>Michael D. Unes, East Peoria</i>	None
92	<i>Jehan Gordon, Peoria</i>	<i>Jim Montelongo, Peoria</i>	None
93	None	<i>Jil Tracy, Mt. Sterling</i>	None
94	<i>Earl W. Godt II, Macomb</i>	<i>Richard P. Myers, Colchester</i> <i>Victoria L. Mohr, Dallas City</i>	None
95	None	<i>Mike Fortner, West Chicago</i>	None
96	<i>Dawn DeSart, Naperville</i>	<i>Darlene Senger, Naperville</i>	None
97	None	<i>Jim Watson, Jacksonville</i>	None

Dist.	Democrat	Republican	Green
98	Charles Landers, Bunker Hill Chris Sherer, Hillsboro Fred J. Snodgrass, Jr., Virden	Wayne Arthur Rosenthal, Morrisonville	None
99	Kent E. DeLay, Springfield	<i>Raymond Poe, Springfield</i>	None
100	None	<i>Rich Brauer, Petersburg</i> Bill Hinrichs, Rochester	None
101	<i>Robert F. Flider, Mt. Zion</i>	Mark Scranton, Decatur	None
102	None	<i>Ron Stephens, Greenville</i>	None
103	<i>Naomi D. Jakobsson, Urbana</i>	Norman E. Davis, Champaign	None
104	Michael Puhr, Danville	Chad D. Hays, Catlin	None
105	None	<i>Shane Cultra, Onarga</i>	Vince LaMie, Milford
106	None	<i>Keith P. Sommer, Morton</i>	None
107	Joshua Qualls, Centralia	<i>John Cavaletto, Salem</i>	None
108	None	<i>David B. Reis, Willow Hill</i>	None
109	Tim Cyr, Neoga	<i>Roger L. Eddy, Hutsonville</i>	None
110	Dennis Malak, Tuscola	<i>Chapin Rose, Mahomet</i>	None
111	<i>Dan Beiser, Alton</i>	None	None
112	<i>Jay C. Hoffman, Collinsville</i>	Dwight D. Kay, Glen Carbon	None
113	<i>Thomas "Tom" Holbrook, Belleville</i>	Joseph F. Avellone, Belleville	None
114	<i>Eddie Lee Jackson, East St. Louis</i> Will McGaughy, East St. Louis Carl E. Officer, East St. Louis	None	None
115	None	<i>Mike Bost, Murphysboro</i>	Charlie Howe, Carbondale
116	<i>Dan Reitz, Steeleville</i>	Glenn C. Farley, Waterloo John W. Piazza, Columbia	None
117	<i>John E. Bradley, Marion</i>	None	None
118	<i>Brandon W. Phelps, Harrisburg</i>	None	None

* *Italics denotes incumbent.*

Not returning

Arthur L. Turner (D-9)
 John A. Fritchey (D, 11)
 Elizabeth Coulson (R, 17)
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Abstracts of Reports Required to be Filed with General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library. Abstracts are published quarterly. Legislators who wish to receive them more often may contact the executive director.

Aging, Dept. on

Annual report, FY 2008

Department's major programs are the Community Care program providing case management, homemaker services, adult day services, and other services to eligible adults age 60 or over; Circuit Breaker program providing property tax relief to older or disabled residents; and other home and community services programs administered through 13 Area Agencies on Aging. In FY 2008 the agency received a total of \$5.4 million in appropriations, of which \$3.8 million went to the home and community-based care program. The agency had 157 employees at FY 2008 yearend. FY 2008 accomplishments include more Circuit Breaker applications received on-line; revised nutrition standards for group and home-delivered meals; and two updated reports increasing elder abuse awareness. (20 ILCS 105/7.09(2); Oct. 2009, 29 pp.)

Annual report on services for minority senior citizens, 2009

Profiles Illinois' minority elderly and describes state programs for them in FY 2005. Department on Aging provided services under the Older Americans Act to over 582,000 persons aged 55 or older in FY 2005. Services including chore, meal, case management, employment, and community care were provided to 229,224 seniors. Of those, 66.5% were non-minority, 25.8% African American, 3.7% Hispanic, 3.4% Asian American, 0.4% American Indian or Alaskan Native, and 0.2% other. During FY 2005, \$9.3 billion in expenditures and 134 million

units of service were provided under the Medical Assistance Program. The elderly received 41.9% of these services, including 31.7% going to minority elderly. (20 ILCS 105/4.06; Sept. 2006, rec'd Feb. 2009, 62 pp.)

Community Care determination-of-need study

P.A. 95-565 mandated an analysis of the effectiveness of Determination of Need scores in the Community Care Program. The study recommends: allowing consumers to select and hire their personal care assistants; adding medication-management services; adding short-term respite service for family caregivers; linking Community Care Program budget to the Medicaid nursing home rate; and further study of that Program's effectiveness in keeping people out of nursing homes. (20 ILCS 105/4.02(4); Aug. 2009, 127 pp.)

Older Adult Services Act report, 2009

Lists activities under the Act and priority objectives for 2009, and advisory committee recommendations. Accomplishments in 2008 include hourly rate increases for "homemaker" workers. (320 ILCS 42/15(c); March 2009, 52 pp.)

Central Management Services Dept.

Bilingual employees, 2008

On March 28, 2009, CMS had 3 bilingual employees, each speaking Spanish. (5 ILCS 382/3-20; March 2009, 2 pp.)

Flextime positions, 2008

The Personnel Code requires agencies to develop plans to reduce use of day care through flextime for eligible employees. Among 48,742 employees under the Personnel Code, 13,744

(28%) used flexible work hours. Fourteen agencies reported increased participation; 24 reported decreased participation. Among participants, 10,902 (79.3%) used flexible hours, 2,462 (17.9%) worked full-time with compressed workweeks, 381 (2.7%) worked part time, and 21 (0.1%) participated in job sharing. (20 ILCS 415/9(13); undated, rec'd Dec. 2009, 1 p.)

State employee childcare centers, 2009

The state oversees two private, on-site childcare centers in Chicago and Springfield for employees' children. Chicago's Child Development Center in the Bilandic Building has been accredited a fourth time by the National Association for the Education of Young Children. Springfield's center at the Department of Revenue is operated by Bright Horizons. The Dependent Care Assistance Program allows employees to fund child care with pretax dollars. In 2009, 1,724 employees participated. (30 ILCS 590/3; Jan. 2010, 4 pp.)

State Government Suggestion Award Board annual report, 2009

The Board met monthly in 2009 and received 45 new suggestions. None resulted in monetary awards. (20 ILCS 405/405-130(b); Jan. 2010, 2 pp.)

Supported Employment Program annual report, 2008

The Program helps state agencies employ people with severe mental or physical disabilities. In December 2009 it had 11 employees: 6 at Human Services, 2 at Children and Family Services, and 1 each at Central Management Services, Prisoner Review Board, and Department of Transportation. They needed job coaches or other support at placement, but six no longer need assistance. (5 ILCS 390/9b; Dec. 2009, 3 pp.)

Commerce Commission

Cable and video service access annual report, 2009

A 2007 law requires holders of state-issued video and cable services franchises to report annually. ICC had received and approved one application so far, from AT&T Illinois. By December

1, 2008, AT&T provided video access to 26% (goal is 35%) of households in its service area, of which 22% (goal is 30%) were low-income. AT&T has until October 23, 2010 to meet the goals. Statutory goal of offering wireline broadband service to 90% of households in its service area was met by yearend 2008, its statutory goal date. (220 ILCS 5/21-1101(k); May 2009, 3 pp. + 2 attachments)

Crossing safety improvement program: FY 2010-2014 Plan

Lists \$135.4 million in proposed grade crossing safety improvements funded by Grade Crossing Protection Fund on local roads and streets for FYs 2010-2014. Subject to local fund match, 84 bridge or crossing projects were planned in FY 2010 and 189 in 2011-2014. Voluntary crossing closures and low-cost emergency and experimental projects at 2,000 crossings were also planned. Lists improvements by county. Preliminary data showed 129 collisions at Illinois public rail crossings, down 1% from 2007. (35 ILCS 505/8(c); April 2009, 8 pp. + 4 appendices)

Retail [Electric] Market Development annual report, 2009

The Office of Retail Market Development was created to promote retail electric competition. Summarizes total percentage usage provided by alternative retail electricity suppliers through AmerenCILCO (51.9%), Ameren-CIPS (54.4%), AmerenIP (55.4%), and ComEd (53.1%); also reports residential vs. commercial portions. Recommends amending Public Utilities Act to give rulemaking authority to ICC or making statutory changes to improve competitive retail electricity market. (220 ILCS 5/20-110; June 2009, 18 pp.)

Commerce & Economic Opportunity Dept.

Enterprise zone annual report, FY 2009
DCEO has designated 97 enterprise zones. In FY 2009, investments of \$3.22 billion created 13,642 and kept 15,561 jobs. Describes incentives generally, lists investment amounts and jobs

by zone, and gives populations of counties containing zones. (20 ILCS 655/6; Oct. 2009, 11 pp.)

Corrections Dept.

Quarterly report on prisons, Jan. 1, 2009

On November 20, 2008, adult facilities had 45,825 prisoners—0.33% below the 45,978 projected using FY 2007 data but over rated capacity of 34,302. Population was projected to rise to 46,049 by December 2009. Population in adult transition centers was 1,175 (105 below capacity of 1,280). Ratio of security staff to residents was 0.167. Two-thirds (67%) of prisoners were double-celled. One capital project was being funded: Thomson maximum security center (1,600 beds, occupancy date unknown). (730 ILCS 5/3-5-3.1; Jan. 2009, 9 pp.)

Early Learning Council

Annual report, FY 2009

The Council met three times in FY 2008. Since developing a plan for Preschool for All, it has worked to establish it as the benchmark for high-quality early learning programs for all three- and four-year-olds. The Council developed two toolkits to (1) guide early childhood programs in identifying needs of the hardest-to-reach members and ways to engage families, and (2) alert families to available programs. (20 ILCS 3933/15; undated, rec'd July 2009, 43 pp.)

Education, State Board of

Annual statistical report, 2008

Gives statistics on student distribution and attendance at public and nonpublic elementary and secondary schools in 2007-2008; enrollment by race, sex, grade, and geographic area; enrollment in bilingual and special education services; numbers of graduates and dropouts; personnel; financial assets and liabilities; bond and tax referenda; costs per capita; transportation expenses; tax rates; driver education expenses; and state aid claims. (105 ILCS 5/2-3.11; Oct. 2009, 354 pp.)

Catalog of reports, 2009

The Board filed 22 reports with the General Assembly in 2008. They included its 2007 annual report and annual statistical report, plus reports on educator supply and demand; mandates and mandate waivers; charter schools; school breakfast incentives; special education expenditures and receipts; and capital needs assessment. (105 ILCS 5/2-3.87; Jan. 2009, 8 pp.)

Educator supply and demand, 2008

In 2008, 92% of educators were retained. New teaching certificates declined 4.6% to 21,286. Re-entering teachers declined by 2%. Enrollment in K-12 grades is expected to decline for the next 4 years. The number of unfilled positions dropped 14% since 2006. Chicago had 570 unfilled positions, down 29% from 2007. Greatest needs are in special education, speech therapy, library, and Spanish. (105 ILCS 5/2-3.11c; Dec. 2008, 21 pp.)

[Hazel Crest School District]

School Finance Authority annual report, 2009

The district was put on “financial watch” in June 2003. Revenues in fiscal years 2004-2008 exceeded spending by \$6.2 million. It is now on the “financial recognition” list—the highest category of financial strength. (105 ILCS 5/1E-130; Feb. 2009, 5 pp.)

Preschool for All funding report, FY 2009

Preschool for All is a program for 3- and 4-year olds run by the Chicago Public Schools in Chicago and the State Board of Education elsewhere. In FY 2009 it funded 79 preschool and 10 at-risk infant-toddler programs reaching about 5,000 new children. (105 ILCS 5/2-3.71(a)(4.5); Nov. 2008, 9 pp. + 1 addendum)

[Round Lake Area School District]

School Finance Authority annual report, 2009

Round Lake Area District 116 includes five villages and uses 9 buildings for K-12 students. Enrollment can vary

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by 50 or more students in a month. On September 30, 2008 it was 7,142, up 84 from 2007. Long-term debt declined 10.7% to \$93.6 million. (105 ILCS 5/1E-130; undated, rec'd March 2009, 144 pp.)

School breakfast incentives, 2009

Lists schools, total enrollment, and number of children eligible for free or reduced-price breakfasts and lunches. In 2008-2009, 1,300 schools received an additional incentive of 10¢ per meal; 92 started school breakfast programs; 19 got \$3,500 startup grants; 26 participated in USDA programs; 89 dropped national breakfast and/or lunch program; and 2 were granted exemptions from the program by their Regional Offices of Education. (105 ILCS 125/4; Feb. 2009, 1 pp. + 4 attachments)

Strategic Plan Progress Report, 2009

ISBE developed a 5-year plan in 2005 to increase literacy, raise teacher quality, and expand management and school support practices. Efforts to implement the plan include a Dropout Prevention Leadership Summit; principal mentoring program; and recruiting bilingual teachers. (105 ILCS 5/2-3.47a(b); June 2009, 19 pp.)

Waivers of School Code mandates, spring 2009

Chart classifies 174 requests for waivers into 11 categories and lists their status: Content of Evaluation plans (8 transmitted to General Assembly); driver education (1 approved, 33 transmitted, 1 withdrawn or returned); school holidays (60 approved, 3 withdrawn or returned); limitation of administrative costs (15 transmitted, 4 withdrawn or returned); nonresident tuition (16 transmitted, 2 withdrawn or returned); parent-teacher conferences (9 transmitted, 1 withdrawn or returned); duties of principals (1 withdrawn or returned); physical education (7 transmitted); school improvement and in-service training (11 transmitted); state graduation requirements (1

transmitted); and duties of superintendents (1 withdrawn or returned). Describes the 100 requests transmitted to General Assembly, 61 approved by State Superintendent of Education, and 13 requests returned. Also lists the requests organized by Senate and House District. (105 ILCS 5/2-3.25g; March 2009, 53 pp. + executive summary)

Employment Security Dept.

Bilingual employees, April 2009

State law requires each executive-branch agency to report on bilingual employee staffing. On March 15, 2009, Department of Employment Security had 117 bilingual front-line employees. Languages spoken were: Spanish (112 employees), Polish (3), and Chinese (1). Lists names, position titles, languages spoken, and job descriptions by position. (5 ILCS 382/30-2; April 2009, 49 pp.)

Report on women and minorities in labor force, 2009

The state's workforce participation rate declined 1.2% in 2008. It was lowest among African Americans (61.2%). Hispanics (74.4%) had a higher rate than whites (68.6%) but continued to earn lower wages. Unemployment rates were 5.7% for whites, 6.6% for Hispanics, and 12.1% for African Americans. Median full-time weekly earnings were \$861 for Asian Americans, \$742 for whites, \$589 for African Americans, and \$529 for Hispanics. In 2007, women's median wage was 78% of that for men. Includes occupational trends and a career resource directory for women and minorities. (20 ILCS 1505/1505-20; April 2009, 52 pp.)

Financial and Professional Regulation Dept.

Insurance cost containment report, 2009

Illinois policyholders paid \$21.1 billion in direct written premiums in 2007—4.1% of the national total. Direct pure loss ratio (losses divided by direct earned premium) rose from

56.3% in 2006 to 58.0%. The HHI Index, a measure of market share, showed the market for medical malpractice insurance as highly concentrated (HHI=4702). HHIs of other insurance lines were below 1800. (215 ILCS 5/1202(d); April 2009, 38 pp. + 6 appendices)

Government Forecasting and Accountability Commission

State budget summary, FY 2009

The FY 2009 budget totaled \$66.930 billion, comprised 42% of General Revenue Funds and 58% other state funds. Major purposes of the operating budget were human services (37.7%), education (21.2%), government services (18.4%), economic development and infrastructure (15.7%), public safety (3.7%), and environmental and business regulation (3.3%). Current general obligation bond authorization for new projects was \$16.927 billion, with about \$1.936 billion unissued by June 30, 2008. Build Illinois bond authorization was \$3.806 billion, with \$422 million unissued. No increases had been authorized since January 2004. (25 ILCS 155/3(12); Oct. 2008, 145 pp.)

State Employees' Group Insurance Program costs for FY 2010

Commission projected program to cost \$2.124 billion; Department of Health-care and Family Services projected \$2.095 billion; Governor requested \$2.163 billion. A projected 346,518 participants will cost an average of \$6,046 per year, up 5.3% from FY 2009. Managed-care plans would receive 51.7% of projected total; Quality Care Health Plan 37.6%; and other care 10.6%. Payment cycle was 137 days for preferred providers and 158 days for non-preferred. (25 ILCS 155/4(b)(2); March 2009, 14 pp. + 3 appendices)

Higher Education, Board of

Annual report on public university revenues and spending, FY 2009

Illinois public universities reported \$6.08 billion in revenues and \$5.95

billion in spending in FY 2009. State appropriations were the largest source of revenue (23%, down from 23.6% in 2008). Spending from all sources grew 5.8%, from \$5.63 billion in FY 2008 to \$5.95 billion in FY 2009. (30 ILCS 105/13.5; Nov. 2009, 5 pp. + 7 tables + 10 figures + 5 appendices)

Public university tuition and fee waivers, FYs 2008 and 2009

Public universities issued 47,008 waivers worth \$345.7 million in FY 2008, and 47,582 waivers worth \$370.0 million in FY 2009. In FY 2008, 20.8% of the value of waivers went to undergraduates and 79.2% to graduates; in FY 2009, 21.7% went to undergraduates and 78.3% to graduates. Discretionary waivers made up 86.9% of the waivers in FY 2008 and 86.3% in FY 2009; discretionary waivers were awarded to undergraduates for athletic and academic talent, and graduates for teaching and research assistantships. Appendix A lists the number and value of waivers at each university; Appendix B describes purpose, goals, and eligibility and criteria for each waiver. (110 ILCS 205/9.29; Dec. 2009, 6 pp. + 1 chart, 3 tables, 2 appendices)

Housing Development Authority

Housing plan, 2009

For FY 2009, over \$465 million in federal, state, and private funds was allocated to multifamily developments to provide 1,946 units for low-income families, 1,125 for low-income seniors, 602 for disabled persons, and 340 for homeless or near-homeless families. An additional \$254 million was allocated to single-family developments to help 2,825 low-income households and families, 858 disabled persons, and 667 low-income seniors. (30 ILCS 345/7.5 & 310 ILCS 110/15; undated, rec'd Jan. 2009, 56 pp.)

Human Services Dept.

Bilingual staffing report, April 2009

On April 1, 2009 the Department of Human Services had 1,104 bilingual employees, who knew Spanish, Braille, Polish, Hindi, Russian, Chinese, Serbo-Croatian, Tagalog, Vietnamese, or

Arabic. Lists names, position code, division, section, unit, job number, position titles, working title, and languages spoken. (5 ILCS 382/3-20; April 2009, 30 pp.)

Social Services Block Grant Fund Report FY 2009, 3rd quarter

The Fund began the quarter with \$167,000 and received \$18.5 million of federal funds during the quarter. It paid \$3 million to General Revenue Fund, \$4.2 million to Special Purpose Trust Fund, and \$5.4 million to Local Initiative Fund, ending quarter with \$6.04 million. (305 ILCS 5/12-5; May 2009, 1 p.)

WIC food expenditure report, 2009

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) obligations in January-March 2009 were \$61.1 million and expenditures were \$60.6 million. (20 ILCS 1305/10-25a; undated, rec'd Aug. 2009, 2 pp.)

Investment, State Board of

Report on Emerging Money Managers, FY 2009

In FY 2009, the Board allocated over \$961 million (10.8% of its total assets) to emerging managers. Over \$2.2 billion in domestic and fixed-income portfolio assets (25% of total) were managed by emerging and/or minority-owned firms. The Board raised the brokerage goal to 20% and added international managers to the mandate; each manager reporting less than 20% usage must submit a written explanation. Minority broker/dealer commissions totaled almost \$2.0 million (62% of all domestic equity commissions). (40 ILCS 5/1-109.1(4); Aug. 2009, 3 pp.)

Juvenile Justice Dept.

Quarterly report to the legislature, Jan. 1, 2009

On November 30, 2008, juvenile facilities held 1,356 youth, below their 1,754 capacity and projected to ease to 1,337 by December 2009. An unduplicated total of 1,238 were in educational and vocational programs. Ratio

of security staff to youth was 0.513. Most residents were single-celled (55%) or double-celled (39%), with about 83 square feet of living area each. No capital projects were being funded. (730 ILCS 5/3-5-3.1; Jan. 2008, 9 pp.)

National Conference of Commissioners on Uniform State Laws

Report, 2008

NCCUSL proposed six new or modified laws in 2008: (1) Uniform Common Interest Owners' Bill of Rights Act revises 1994 version of the act; (2) Uniform Interstate Family Support Act incorporates changes by the 2007 Hague convention for the International Recovery of Child Support and other Forms of Family Maintenance; (3) Uniform Principal and Income Act incorporates IRS changes regarding marital deductions; (4) Uniform Probate Code updates reflect changes since the 1990 revision, including allowing notarization of wills, changes in inflation adjustments, and revision of definitions of child-parent relationship; (5) Uniform Unincorporated Nonprofit Association Act revision expands on 1996 Act with new guidance for unincorporated nonprofits; and (6) Uniform Unsworn Foreign Declarations Act (2008) affirms validity of unsworn declarations by persons outside the U.S. who lack access to a notary, and provides guidance on how such declarations may be used and penalties for misuse. (25 ILCS 135/5.07; Dec. 2008, 21 pp.)

Public Health Dept.

Animal Population Control Program, 2009

The Program allows Illinois residents getting either Food Stamps or Social Security disability income to have their household pet spayed or neutered by a participating veterinarian for a \$15 co-pay. In 2008, 112 veterinarians from 60 counties participated in the program; 1,374 animals received services costing a total of \$211,300. (510 ILCS 92/20; Jan. 2009, 3 pp.)

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Abstracts *(continued from p. 15)*

Revenue Dept.

Unified Economic Development Budget, 2007

The unified economic development budget for 17 tax credits and subtractions in tax year 2007 was \$457.2 million. Most of that was claimed against corporate income and replacement taxes (\$256.3 million) or individual income tax (\$173.8 million). About \$15.3 million was claimed against partnership replacement taxes; \$10.2 million against fiduciary income and replacement taxes; and \$1.3 million against small business corporation

replacement taxes. The largest credit types were dividend subtractions for high-impact business interest (\$181.1 million) and enterprise zones (\$107.3 million). Lists number of taxpayers receiving each credit against each tax. (20 ILCS 715/10; Dec. 2009, 3 pp.)

Task Force on Condition of African American Men

Final report, 2009

Recommendations include reinstating Adult Transitional Centers for inmates, standardizing training of school security officers, training more African American physicians and medical providers, providing tax credits to companies hiring African American men, establishing job training programs for African American men, and creating mentor/protégé programs for businesses owned by African American men. (20 ILCS 1305/10-32; June 2009, 66 pp.)

Transportation Dept.

Highway Improvement Program, FYs 2009-2014

The \$10.875 billion, 6-year plan includes \$7.061 billion in federal,

\$3.128 billion in state, and \$686 million in local funds. It would repair 5,264 miles of roads and replace or rehabilitate 905 bridges. Projects planned include interchange reconstruction at I-55 and Arsenal Road (\$81.2 million); bridge replacement and realigning I-57 from Kankakee River Bridge to south of the Illinois 50 interchange (\$38.6 million); bridge replacement and interchange reconstruction on I-55 at Illinois 59 (\$27.8 million); and resurfacing and bridge repair on I-57 from the Coles-Douglas County line to Sadorus Road in Champaign County (\$22.6 million). (20 ILCS 2705/2705-200; May 2008, 18 pp.)

Transportation regulatory fund annual report, FY 2009

The Fund received \$9.75 million and spent \$9.49 million (\$4.8 million to regulate motor carriers and \$4.68 million for railroads). Income was \$6.36 million from motor carriers and \$3.39 million from railroads. Fund had 72 employees. (625 ILCS 5/18c-1604; Oct. 2009, 9 pp.)

FIRST READING

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