

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.