

1 September 8, 2000, the Illinois Circuit Court of the 12th
2 Judicial Circuit, in Flynn v. Ryan, Docket No. 99 CH 340,
3 ruled that Public Act 90-737 (i) is unconstitutionally
4 vague; (ii) violates the separation of powers clause
5 (Article 2, Section 1) of the Illinois Constitution;
6 (iii) violates the provisions of Article 4, Section 14 of
7 the Illinois Constitution, which provides the sole means
8 for removing officials from office; (iv) violates Article
9 4, Section 2(c) of the Illinois Constitution, which sets
10 eligibility requirements to hold office; and (v) is
11 unconstitutional in its entirety.

12 (3) The provisions of Public Act 90-737 are of
13 vital concern to the people of this State, and
14 legislative action concerning Public Act 90-737 is
15 necessary.

16 (b) It is the purpose of this Act to re-enact the
17 provisions of Public Act 90-737, including subsequent
18 amendments. This Act is intended to remove any question as
19 to the validity or content of those provisions.

20 (c) This Act is not intended to supersede any other
21 Public Act that amends the text of the Sections as set forth
22 in this Act. The material is shown as existing text (i.e.,
23 without striking or underscoring), except (i) for technical
24 changes having a revisory function and (ii) as provided in
25 subsection (d) of this Section.

26 (d) In addition to re-enacting the provisions of Public
27 Act 90-737, this Act amends Sections 5, 10, 15, 20, 30, 35,
28 45, 55, 60, 80, 83, and 85 of the State Gift Ban Act; Section
29 1.02 of the Open Meetings Act; Sections 9-3, 9-8.10, 9-8.15,
30 9-9.5, 9-10, 9-23, and 9-27.5 of the Election Code; and
31 Section 50-30 of the Illinois Procurement Code and adds
32 Sections 9-8.5, 9-8.7, and 9-25.2 to the Election Code and
33 Section 33-3.1 to the Criminal Code of 1961. The amendments
34 are shown by underscoring and striking text.

1 Section 5. The State Gift Ban Act is amended by
 2 re-enacting Sections 1, 25, 40, 50, 65, 70, and 75 and by
 3 re-enacting and changing Sections 5, 10, 15, 20, 30, 35, 45,
 4 55, 60, 80, 83, and 85 as follows:

5 (5 ILCS 425/1)

6 Sec. 1. Short title. This Act may be cited as the State
 7 Gift Ban Act.

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

9 (5 ILCS 425/5)

10 Sec. 5. Definitions. As used in this Act:

11 "Commission" means an ethics commission created by this
 12 Act.

13 "Employee" means all full-time, part-time, and
 14 contractual employees of the executive and legislative
 15 branches of State government,~~---appointed---and---elected~~
 16 ~~officials, and directors of a governmental entity.~~

17 "Gift" means any gratuity, discount, entertainment,
 18 hospitality, loan, forbearance, or other tangible or
 19 intangible item having monetary value including, but not
 20 limited to, cash, food and drink, and honoraria for speaking
 21 engagements related to or attributable to government
 22 employment or the official position of an employee, member,
 23 or officer,~~or judge.~~

24 "Governmental entity" means each office, board,
 25 commission, agency, department, authority, institution,
 26 university, body politic and corporate, administrative unit,
 27 and corporate outgrowth of the executive and, legislative,
 28 ~~and judicial~~ branches of State government, whether created by
 29 the Illinois Constitution, by or in accordance with statute,
 30 or by executive order of the Governor. "Governmental entity"
 31 includes the Health Facilities Planning Board.

32 "~~Judge~~"~~---means judges and associate judges of the Supreme~~

1 Court, ~~Appellate Courts, and Circuit Courts.~~

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

3 "Officer" means a State constitutional officer.

4 "Political organization" means a party, committee,
5 association, fund, or other organization (whether or not
6 incorporated) organized and operated primarily for the
7 purpose of directly or indirectly accepting contributions or
8 making expenditures, or both, for the function of influencing
9 or attempting to influence the selection, nomination,
10 election, or appointment of any individual to any federal,
11 state, or local public office or office in a political
12 organization, or the election of Presidential or
13 Vice-Presidential electors, whether or not the individual or
14 electors are selected, nominated, elected, or appointed. The
15 term includes the making of expenditures relating to an
16 office described in the preceding sentence that, if incurred
17 by the individual, would be allowable as a federal income tax
18 deduction for trade or business expenses.

19 "Prohibited source" means any person or entity who:

20 (1) is seeking official action (i) by the member
21 ~~or~~ officer ~~or~~ judge or (ii) in the case of an employee,
22 by the employee or by the member, officer, judge,
23 governmental entity, or other employee directing the
24 employee;

25 (2) does business or seeks to do business (i) with
26 the member ~~or~~ officer ~~or~~ judge or (ii) in the case of
27 an employee, with the employee or with the member,
28 officer, judge, governmental entity, or other employee
29 directing the employee;

30 (3) conducts activities regulated (i) by the member
31 ~~or~~ officer ~~or~~ judge or (ii) in the case of an employee,
32 by the employee or by the member, officer, judge,
33 governmental entity, or other employee directing the
34 employee;

1 (4) has interests that may be substantially
 2 affected by the performance or non-performance of the
 3 official duties of the member, officer, or employee, ~~or~~
 4 judge; or

5 (5) is registered or required to be registered with
 6 the Secretary of State under the Lobbyist Registration
 7 Act.

8 "Ultimate jurisdictional authority" means the following:

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

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

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

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

24 (5) (Blank). ~~For judges, the Chief Justice of the~~
 25 ~~Supreme Court.~~

26 (6) (Blank). ~~For State employees of the judicial~~
 27 ~~branch, the Administrative Office of the Illinois Courts.~~

28 (7) For State employees of an executive branch
 29 constitutional officer, the appropriate executive branch
 30 constitutional officer.

31 (8) For State employees not under the jurisdiction
 32 of paragraph (1), (2), (3), (4), ~~(5)~~, ~~(6)~~, or (7), the
 33 Governor.

34 (9) For officers, the General Assembly.

1 (Source: P.A. 90-737, eff. 1-1-99; 91-782, eff. 6-9-00.)

2 (5 ILCS 425/10)

3 Sec. 10. Gift ban. Except as otherwise provided in this
4 Act, no member, officer, or employee, ~~or~~ judge shall
5 knowingly solicit or accept any gift of more than \$100 per
6 year from any prohibited source or in violation of any
7 federal or State statute, rule, or regulation. This ban
8 applies to and includes spouses of and immediate family
9 living with the member, officer, or employee, ~~or~~ judge. No
10 prohibited source shall offer or make a gift that violates
11 this Section.

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

13 (5 ILCS 425/15)

14 Sec. 15. Exceptions. The restriction in Section 10 does
15 not apply to the following:

16 (1) Opportunities and benefits that are available to the
17 general public. ~~Anything--for--which--the--member,--officer,
18 ~~employee,--or--judge--pays--the--market--value--or--anything--not--used~~
19 ~~and--promptly--disposed--of--as--provided--in--Section--25.~~~~

20 (2) A contribution, as defined in Article 9 of the
21 Election Code that is lawfully made under that Act or
22 attendance at a fundraising event sponsored by a political
23 organization.

24 (3) Educational materials and missions.

25 (4) Travel expenses for a meeting to discuss State
26 business.

27 (5) A gift from a relative, meaning those people related
28 to the individual as father, mother, son, daughter, brother,
29 sister, uncle, aunt, great aunt, great uncle, first cousin,
30 nephew, niece, husband, wife, grandfather, grandmother,
31 grandson, granddaughter, father-in-law, mother-in-law,
32 son-in-law, daughter-in-law, brother-in-law, sister-in-law,

1 stepfather, stepmother, stepson, stepdaughter, stepbrother,
2 stepsister, half brother, half sister, and including the
3 father, mother, grandfather, or grandmother of the
4 individual's spouse and the individual's fiance or fiancée.

5 (6) ~~(4)~~ Anything provided by an individual on the basis
6 of a personal friendship unless the member, officer, or
7 employee, ~~or~~ judge has reason to believe that, under the
8 circumstances, the gift was provided because of the official
9 position or employment of the member, officer, or employee,
10 ~~or~~ judge and not because of the personal friendship.

11 In determining whether a gift is provided on the basis of
12 personal friendship, the member, officer, or employee, ~~or~~
13 judge shall consider the circumstances under which the gift
14 was offered, such as:

15 (i) the history of the relationship between the
16 individual giving the gift and the recipient of the gift,
17 including any previous exchange of gifts between those
18 individuals;

19 (ii) whether to the actual knowledge of the member,
20 officer, or employee, ~~or~~ judge the individual who gave
21 the gift personally paid for the gift or sought a tax
22 deduction or business reimbursement for the gift; and

23 (iii) whether to the actual knowledge of the
24 member, officer, or employee, ~~or~~ judge the individual who
25 gave the gift also at the same time gave the same or
26 similar gifts to other members, officers, or employees,
27 ~~or~~ judges.

28 (7) Food or refreshments not exceeding \$75 per person in
29 value; provided that the food or refreshments are (i)
30 consumed on the premises from which they were purchased or
31 prepared or (ii) catered. For the purposes of this Section,
32 "catered" means food or refreshments that are purchased ready
33 to eat and delivered by any means. (5) -- A -- commercially
34 reasonable -- loan evidenced in writing with repayment due by a

1 date-certain-made-in-the--ordinary--course--of--the--lender's
2 business-

3 (6)--A--contribution-or-other-payments-to-a-legal-defense
4 fund-established--for--the--benefit--of--a--member,--officer,
5 employee,--or-judge-that-is-otherwise-lawfully-made-

6 (8) (7) Intra-office and inter-office gifts. For the
7 purpose of this Act, "intra-office gifts" means:

8 (i) any gift given to a member or employee of the
9 legislative branch from another member or employee of the
10 legislative branch;

11 (ii) (Blank). any-gift-given-to-a-judge-or-employee
12 of--the-judicial-branch-from-another-judge-or-employee-of
13 the-judicial-branch;

14 (iii) any gift given to an officer or employee of
15 the executive branch from another officer or employee of
16 the executive branch;

17 (iv) (Blank). any--gift--given--to--an--officer--or
18 employee--of--a-unit-of-local-government,--home-rule-unit,
19 or-school-district,--from-another-employee-of-that-unit-of
20 local-government,--home-rule-unit,--or-school-district;

21 (v) any gift given to an officer or employee of any
22 other governmental entity not included in item (i) or
23 (ii), (iii),--or--(iv), from another employee of that
24 governmental entity; or

25 (vi) any gift given to a member or employee of the
26 legislative branch, a-judge-or-employee-of-the-judicial
27 branch, an officer or employee of the executive branch,
28 an--officer--or--employee--of-a-unit-of-local-government,
29 home-rule-unit,--or-school--district, or an officer or
30 employee of any other governmental entity not included in
31 item (i) or--(ii), (iii),--or--(iv) from a member or
32 employee of the legislative branch, a judge or employee
33 of the judicial branch, an officer or employee of the
34 executive branch, an officer or employee of a unit of

1 local government, home rule unit, or school district, or
2 an officer or employee of any other governmental entity.

3 (8) -- Food, refreshments, lodging, transportation, and
4 other benefits:

5 (i) -- resulting from the outside business or
6 employment activities (or outside activities that are not
7 connected to the duties of the member, officer, employee,
8 or judge, as an office holder or employee) of the member,
9 officer, employee, judge, or the spouse of the member,
10 officer, employee, or judge, if the benefits have not
11 been offered or enhanced because of the official position
12 or employment of the member, officer, employee, or judge
13 and are customarily provided to others in similar
14 circumstances;

15 (ii) -- customarily provided by a prospective employer
16 in connection with bona fide employment discussions; or

17 (iii) -- provided by a political organization in
18 connection with a fundraising or campaign event sponsored
19 by that organization.

20 (9) -- Pension and other benefits resulting from continued
21 participation in an employee welfare and benefits plan
22 maintained by a former employer.

23 (10) -- Informational materials that are sent to the office
24 of the member, officer, employee, or judge in the form of
25 books, articles, periodicals, other written materials,
26 audiotapes, videotapes, or other forms of communication.

27 (11) -- Awards or prizes that are given to competitors in
28 contests or events open to the public, including random
29 drawings.

30 (12) -- Honorary degrees (and associated travel, food,
31 refreshments, and entertainment provided in the presentation
32 of degrees and awards).

33 (13) -- Training (including food and refreshments furnished
34 to all attendees as an integral part of the training)

1 provided--to--a--member,--officer,--employee,--or--judge,--if--the
2 training--is--in--the--interest--of--the--governmental--entity.

3 (14)--Educational--missions,--including--meetings--with
4 government--officials--either--foreign--or--domestic,--intended--to
5 educate--public--officials--on--matters--of--public--policy,--to
6 which--the--member,--officer,--employee,--or--judge--may--be--invited
7 to--participate--along--with--other--federal,--state,--or--local
8 public--officials--and--community--leaders.

9 (9) (15) Bequests, inheritances, and other transfers at
10 death.

11 (16)--Anything--that--is--paid--for--by--the--federal
12 government,--the--State,--or--a--governmental--entity,--or--secured
13 by--the--government--or--governmental--entity--under--a--government
14 contract.

15 (17)--A--gift--of--personal--hospitality--of--an--individual
16 other--than--a--registered--lobbyist--or--agent--of--a--foreign
17 principal,--including--hospitality--extended--for--a--nonbusiness
18 purpose--by--an--individual,--not--a--corporation--or--organization,
19 at--the--personal--residence--of--that--individual--or--the
20 individual's--family--or--on--property--or--facilities--owned--by
21 that--individual--or--the--individual's--family.

22 (18)--Free--attendance--at--a--widely--attended--event
23 permitted--under--Section--20.

24 (19)--Opportunities--and--benefits--that--are:

25 (i)--available--to--the--public--or--to--a--class
26 consisting--of--all--employees,--officers,--members,--or
27 judges,--whether--or--not--restricted--on--the--basis--of
28 geographic--consideration;

29 (ii)--offered--to--members--of--a--group--or--class--in
30 which--membership--is--unrelated--to--employment--or--official
31 position;

32 (iii)--offered--to--members--of--an--organization--such--as
33 an--employee's--association--or--credit--union,--in--which
34 membership--is--related--to--employment--or--official--position

1 and-similar-opportunities-are-available-to-large-segments
2 of-the-public-through-organizations-of-similar-size;

3 (iv)--offered-to-any-group--or--class--that--is--not
4 defined-in-a-manner-that-specifically-discriminates-among
5 government-employees-on-the-basis-of-branch-of-government
6 or--type--of--responsibility,--or--on-a-basis-that-favors
7 those-of-higher-rank-or-rate-of-pay;

8 (v)--in-the-form--of--loans--from--banks--and--other
9 financial--institutions--on--terms-generally-available-to
10 the-public;-or

11 (vi)--in-the-form-of--reduced--membership--or--other
12 fees-for-participation-in-organization-activities-offered
13 to-all-government-employees-by-professional-organizations
14 if---the---only---restrictions---on---membership---relate---to
15 professional-qualifications.

16 (20)--A--plaque,--trophy,---or---other---item---that---is
17 substantially--commemorative--in--nature-and-that-is-extended
18 for-presentation.

19 (21)--Golf-or-tennis;-food--or--refreshments--of--nominal
20 value--and--eatered--food-or-refreshments;-meals-or-beverages
21 consumed-on-the-premises-from-which-they-were-purchased.

22 (22)--Donations-of-products-from-an-Illinois-company-that
23 are-intended-primarily--for--promotional--purposes,--such--as
24 display-or-free-distribution,--and-are-of-minimal-value-to-any
25 individual-recipient.

26 (23)--An--item--of-nominal-value-such-as-a-greeting-card,
27 baseball-cap,--or-T-shirt.

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

29 (5 ILCS 425/20)

30 Sec. 20. Attendance at meetings events.

31 (a) A member, officer, or employee, or judge may accept
32 travel expenses in connection with a meeting to discuss State
33 business, as defined by rules adopted by the appropriate

1 ethics commission, an offer of free attendance at a widely
 2 attended convention, conference, symposium, forum, panel
 3 discussion, dinner, viewing, reception, or similar event,
 4 provided by the sponsor of the event, if:

5 (1) the member, officer, employee, or judge
 6 participates in the event as a speaker or a panel
 7 participant, by presenting information related to
 8 government, or by performing a ceremonial function
 9 appropriate to the member's, officer's, employee's, or
 10 judge's official position or employment; or

11 (2) attendance at the event is appropriate to the
 12 performance of civic affairs in Illinois or the official
 13 duties or representative function of the member, officer,
 14 employee, or judge.

15 (b) A member, officer, employee, or judge who attends an
 16 event described in subsection (a) may accept a sponsor's
 17 unsolicited offer of free attendance at the event for an
 18 accompanying individual.

19 (c) A member, officer, employee, or judge, or the spouse
 20 or dependent thereof, may accept a sponsor's unsolicited
 21 offer of free attendance at a charity event, except that
 22 reimbursement for transportation and lodging may not be
 23 accepted in connection with the event.

24 (d) For purposes of this Section, the term "free
 25 attendance" may include waiver of all or part of a conference
 26 or other fee, the provision of transportation, or the
 27 provision of food, refreshments, entertainment, and
 28 instructional materials furnished to all attendees as an
 29 integral part of the event. The term does not include
 30 entertainment collateral to the event, nor does it include
 31 food or refreshments taken other than in a group setting with
 32 all or substantially all other attendees, except as
 33 authorized under subsection (2) of Section 15.

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

1 (5 ILCS 425/25)

2 Sec. 25. Disposition of gifts. The recipient of a gift
3 that is given in violation of this Act may, at his or her
4 discretion, return the item to the donor or give the item or
5 an amount equal to its value to an appropriate charity.

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

7 (5 ILCS 425/30)

8 Sec. 30. Reimbursement. (Blank).

9 (a) ~~A reimbursement (including payment in kind) to a~~
10 ~~member, officer, employee, or judge from a private source~~
11 ~~other than a registered lobbyist or agent of a foreign~~
12 ~~principal for necessary transportation, lodging, and related~~
13 ~~expenses for travel to a meeting, speaking engagement, fact~~
14 ~~finding trip, or similar event in connection with the duties~~
15 ~~of the member, officer, employee, or judge as an office~~
16 ~~holder or employee shall be deemed to be a reimbursement to~~
17 ~~the governmental entity and not a gift prohibited by this Act~~
18 ~~if the member, officer, employee, or judge:~~

19 (1) ~~discloses the expenses reimbursed or to be~~
20 ~~reimbursed and the authorization to the Clerk of the~~
21 ~~House of Representatives, the Secretary of the Senate,~~
22 ~~the State Comptroller, fiscal officer, or similar~~
23 ~~authority as appropriate, within 30 days after the travel~~
24 ~~is completed; and~~

25 (2) ~~in the case of an employee, receives advance~~
26 ~~authorization from the member, officer, judge, or other~~
27 ~~employee under whose direct supervision the employee~~
28 ~~works to accept reimbursement.~~

29 (b) ~~For purposes of subsection (a), events, the~~
30 ~~activities of which are substantially recreational in nature,~~
31 ~~shall not be considered to be in connection with the duties~~
32 ~~of a member, officer, employee, or judge as an office holder~~
33 ~~or employee.~~

1 (c) -- Each advance authorization to accept reimbursement
2 shall be signed by the member, officer, judge, or other
3 employee under whose direct supervision the employee works
4 and shall include:

5 (1) -- the name of the employee;

6 (2) -- the name of the person who will make the
7 reimbursement;

8 (3) -- the time, place, and purpose of the travel; and

9 (4) -- a determination that the travel is in
10 connection with the duties of the employee as an employee
11 and would not create the appearance that the employee is
12 using public employment for private gain.

13 (d) -- Each disclosure made under subsection (a) of
14 expenses reimbursed or to be reimbursed shall be signed by
15 the member, officer, or judge (in the case of travel by the
16 member, officer, or judge) or by the member, officer, judge,
17 or other employee under whose direct supervision the employee
18 works (in the case of travel by an employee) and shall
19 include:

20 (1) -- a good faith estimate of total transportation
21 expenses reimbursed or to be reimbursed;

22 (2) -- a good faith estimate of total lodging expenses
23 reimbursed or to be reimbursed;

24 (3) -- a good faith estimate of total meal expenses
25 reimbursed or to be reimbursed;

26 (4) -- a good faith estimate of the total of other
27 expenses reimbursed or to be reimbursed; and

28 (5) -- a determination that all those expenses are
29 necessary transportation, lodging, and related expenses.

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

31 (5 ILCS 425/35)

32 Sec. 35. Ethics Officer. Each officer and the head of
33 each governmental entity shall designate an Ethics Officer

1 for the office or governmental entity. For the legislative
2 branch, the President and Minority Leader of the Senate and
3 the Speaker and Minority Leader of the House of
4 Representatives shall each appoint an ethics officer for the
5 legislative members of their political party. Ethics Officers
6 shall:

7 (1) review statements of economic interest and
8 disclosure forms of members, officers, judges, senior
9 employees, and contract monitors before they are filed
10 with the Secretary of State; and

11 (2) provide guidance to members, officers, and
12 employees, ~~and~~ judges in the interpretation and
13 implementation of this Act.

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

15 (5 ILCS 425/40)

16 Sec. 40. Further restrictions. A governmental entity
17 may adopt or maintain policies that are more restrictive than
18 those set forth in this Act and shall continue to follow any
19 existing policies, statutes, or regulations that are more
20 restrictive or are in addition to those set forth in this
21 Act.

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

23 (5 ILCS 425/45)

24 Sec. 45. Ethics Commissions.

25 (a) Ethics Commissions are created for the branches of
26 government as provided in this Section. The initial
27 appointments to each commission shall be made within 60 days
28 after the effective date of this Act. The appointing
29 authorities shall appoint commissioners who have experience
30 holding governmental office or employment and shall appoint
31 commissioners from the general public or from within the
32 appointing authority's branch of government. With respect to

1 each of the ethics commissions designated in item items (1),
 2 (2), (3), (4), and (5), no more than 4 of the 7 appointees
 3 shall be of the same political party. The appointee shall
 4 establish his or her political party affiliation by his or
 5 her last record of voting in a party primary election.

6 (1) For the ethics commission of the executive
 7 branch Governor there shall be 7 commissioners appointed
 8 by the Governor with the advice and consent of the
 9 Senate. This ethics commission shall have jurisdiction
 10 over all of the executive branch of State government
 11 ~~except the officers specified in items (2), (3), (4), and~~
 12 ~~(5) and their employees.~~

13 (2) (Blank). ~~For the ethics commission of the~~
 14 ~~Attorney-General there shall be 7 commissioners appointed~~
 15 ~~by the Attorney-General.~~

16 (3) (Blank). ~~For the ethics commission of the~~
 17 ~~Secretary of State there shall be 7 commissioners~~
 18 ~~appointed by the Secretary of State.~~

19 (4) (Blank). ~~For the ethics commission of the~~
 20 ~~Comptroller there shall be 7 commissioners appointed by~~
 21 ~~the Comptroller.~~

22 (5) (Blank). ~~For the ethics commission of the~~
 23 ~~Treasurer there shall be 7 commissioners appointed by the~~
 24 ~~Treasurer.~~

25 (6) For the ethics commission of the legislative
 26 branch there shall be 8 commissioners. The Speaker and
 27 the Minority Leader of the House of Representatives and
 28 the President and the Minority Leader of the Senate shall
 29 each appoint 2 commissioners.

30 (7) ~~For the ethics commission of the judicial~~
 31 ~~branch there shall be 6 commissioners. The Chief Justice~~
 32 ~~of the Supreme Court shall appoint the commissioners with~~
 33 ~~the concurrence of 3 other Supreme Court Judges.~~

34 (b) At the first meeting of each commission, the initial

1 appointees shall draw lots to divide into 2 groups.
2 Commissioners of the first group shall serve 2-year terms,
3 and commissioners of the second group shall serve one-year
4 terms. Thereafter commissioners shall be appointed to 2-year
5 terms. Commissioners may be reappointed to serve subsequent
6 terms.

7 (c) The respective appointing authority or authorities
8 may remove a commissioner appointed by that authority or
9 those authorities in case of incompetency, neglect of duty,
10 or malfeasance in office after service on the commissioner by
11 certified mail, return receipt requested, of a copy of the
12 written charges against the commissioner and an opportunity
13 to be heard in person or by counsel upon not less than 10
14 days' notice. Vacancies shall be filled by the appropriate
15 appointing authority or authorities.

16 (d) Each commission must meet, either in person or by
17 telephone, at least once per month. ~~Each commission shall~~
18 ~~meet as often as necessary to perform its duties. Except for~~
19 ~~the ethics commission for the legislative branch,~~ At the
20 first meeting of the executive branch each commission the
21 commissioners shall choose a chairperson from their number.
22 For the ethics commission for the legislative branch, the
23 President of the Senate and whichever of the Speaker or
24 Minority Leader of the House is of the same political party
25 as the President shall jointly designate one member as
26 co-chair; the other 2 legislative leaders shall jointly
27 designate the other co-chair. Meetings shall be held at the
28 call of the chairperson or any 2 commissioners. Official
29 action by the commission shall require the affirmative vote
30 of the number of commissioners provided in this subsection,
31 and a quorum shall consist of the number of commissioners
32 provided in this subsection. The number of commissioners
33 required for a quorum and the affirmative vote of each ethics
34 commission shall be as follows: for the executive branch

1 Governor, 4; for-the-Attorney-General, 4; for--the--Secretary
 2 of--State, 4;--for-the-Treasurer, 4; for-the-Comptroller, 4;
 3 for the legislative branch, 5; for-the--judicial--branch, 4.
 4 Commissioners may be reimbursed for their reasonable expenses
 5 actually incurred in the performance of their duties.

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

7 (5 ILCS 425/50)

8 Sec. 50. Staff. Each commission may employ necessary
 9 staff persons and may contract for services that cannot be
 10 satisfactorily performed by the staff.

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

12 (5 ILCS 425/55)

13 Sec. 55. Powers and duties. Each commission shall have
 14 the following powers and duties:

15 (1) To promulgate procedures and rules governing the
 16 performance of its duties and the exercise of its powers.
 17 Rules defining "a meeting to conduct State business", rules
 18 concerning the disclosure of reimbursements, and rules
 19 concerning where a complaint under Section 60 must be filed
 20 must be adopted as soon as possible, but in any case, no
 21 later than 120 days after the effective date of this
 22 amendatory Act of the 92nd General Assembly. The commissions
 23 may adopt emergency rules under Section 5-45 of the Illinois
 24 Administrative Procedure Act.

25 (2) Upon receipt of a signed, notarized, written
 26 complaint, to investigate, conduct research, conduct closed
 27 hearings and deliberations, issue recommendations, and impose
 28 a fine.

29 (3) To act only upon the receipt of a written complaint
 30 alleging a violation of this Act and not upon its own
 31 prerogative.

32 (4) To receive information from the public pertaining to

1 its investigations and to require additional information and
2 documents from persons who may have violated this Act.

3 (5) To subpoena witnesses and compel the production of
4 books and papers pertinent to an investigation authorized by
5 this Act.

6 (6) To request that the Attorney General provide legal
7 advice without charge to the commission.

8 (7) To prepare and publish manuals and guides explaining
9 the duties of individuals covered by this Act.

10 (8) To prepare public information materials to
11 facilitate compliance, implementation, and enforcement of
12 this Act.

13 (9) To submit to each commissioner's respective
14 appointing authority or authorities an annual statistical
15 report for each year consisting of (i) the number of
16 complaints filed, (ii) the number of complaints deemed to
17 sufficiently allege a violation of this Act, (iii) the
18 recommendation, fine, or decision issued for each complaint,
19 (iv) the number of complaints resolved, and (v) the status of
20 pending complaints.

21 (10) To make rulings and issue advisory opinions in
22 connection with the implementation and interpretation of this
23 Act.

24 The powers and duties of a commission are limited to
25 matters clearly within the purview of this Act.

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

27 (5 ILCS 425/60)

28 Sec. 60. Complaint procedure.

29 (a) Complaints alleging the violation of this Act shall
30 be filed with the appropriate ethics commission as follows:

31 (1) If the complaint alleges a violation by an
32 officer or employee of the executive branch of State
33 government, then the complaint shall be filed, as

1 provided by rule, with the executive branch appropriate
2 ethics commission ~~within the executive branch~~.

3 (2) (Blank). ~~If the complaint alleges a violation~~
4 ~~by a judge or employee of the judicial branch of~~
5 ~~government, then the complaint shall be filed with the~~
6 ~~judicial ethics commission.~~

7 (3) If the complaint alleges a violation by a
8 member or employee of the legislative branch of State
9 government ~~or any employee not included within paragraphs~~
10 ~~(1) or (2)~~, then the complaint shall be filed, as
11 provided by rule, with the legislative ethics commission.

12 Any complaint received by or incident reported to a
13 member, officer, employee, judge, or governmental entity
14 alleging the violation of this Act shall be forwarded to the
15 appropriate commission. The complaint shall not be properly
16 filed until submitted to the appropriate commission.

17 (b) Within 3 business days after the receipt of an
18 ethics complaint, the commission shall send by certified
19 mail, return receipt requested, a notice to the respondent
20 that a complaint has been filed against him or her and a copy
21 of the complaint. The commission shall send by certified
22 mail, return receipt requested, a confirmation of the receipt
23 of the complaint to the complainant within 3 business days
24 after the submittal to the commission. The notices to the
25 respondent and the complainant shall also advise them of the
26 date, time, and place of the meeting on the sufficiency of
27 the complaint and probable cause.

28 (c) Upon at least 24 hours' public notice of the
29 session, the commission shall meet, either in person or by
30 telephone, in a closed session to review the sufficiency of
31 the complaint and, if the complaint is deemed to sufficiently
32 allege a violation of this Act, to determine if there is
33 probable cause, based on evidence presented by the
34 complainant, to proceed. The commission shall issue notice

1 to the complainant and the respondent of the commission's
2 ruling on the sufficiency of the complaint and, if necessary,
3 on probable cause within 7 business days after receiving the
4 complaint. If the complaint is deemed to sufficiently allege
5 a violation of this Act and there is a determination of
6 probable cause, then the commission's notice to the parties
7 shall include a hearing date scheduled within 4 weeks after
8 the complaint's receipt. If the complaint is deemed not to
9 sufficiently allege a violation or if there is no
10 determination of probable cause, then the commission shall
11 send by certified mail, return receipt requested, a notice to
12 the parties of the decision to dismiss the complaint, and
13 that notice shall be made public.

14 (d) On the scheduled date and upon at least 24 hours'
15 public notice of the meeting, the commission shall conduct a
16 closed meeting, either in person or by telephone, on the
17 complaint and allow both parties the opportunity to present
18 testimony and evidence.

19 (e) Within 6 weeks after the complaint's receipt, the
20 commission shall (i) dismiss the complaint or (ii) issue a
21 preliminary recommendation to the alleged violator and to the
22 violator's ultimate jurisdictional authority or impose a fine
23 upon the violator, or both. The particular findings in the
24 instant case, the preliminary recommendation, and any fine
25 shall be made public.

26 (f) Within 7 business days after the issuance of the
27 preliminary recommendation or imposition of a fine, or both,
28 the respondent may file a written demand for a public hearing
29 on the complaint. The filing of the demand shall stay the
30 enforcement of the preliminary recommendation or fine.
31 Within 2 weeks after receiving the demand, the commission
32 shall conduct a public hearing on the complaint after at
33 least 24 hours' public notice of the hearing and allow both
34 parties the opportunity to present testimony and evidence.

1 Within 5 business days, the commission shall publicly issue a
2 final recommendation to the alleged violator and to the
3 violator's ultimate jurisdictional authority or impose a fine
4 upon the violator, or both.

5 (g) If a complaint is filed during the 60 days preceding
6 the date of any election at which the respondent is a
7 candidate, the commission shall render its decision as
8 required under subsection (e) within 7 days after the
9 complaint is filed, and during the 7 days preceding that
10 election, the commission shall render such decision before
11 the date of that election, if possible.

12 (h) A commission may levy a fine of up to \$5,000 against
13 any person who knowingly files a frivolous complaint alleging
14 a violation of this Act.

15 (i) A complaint alleging the violation of this Act must
16 be filed within one year after the alleged violation.

17 (j) The parties to a proceeding under this Section may
18 agree to extend any of the deadlines imposed by this Section.

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

20 (5 ILCS 425/65)

21 Sec. 65. Enforcement.

22 (a) A commission may recommend to a person's ultimate
23 jurisdictional authority disciplinary action against the
24 person it determines to be in violation of this Act. The
25 recommendation may prescribe the following courses of action:

26 (1) A reprimand.

27 (2) To cease and desist the offensive action.

28 (3) A return or refund of money or other items, or
29 an amount of restitution for services, received in
30 violation of this Act.

31 (4) Dismissal, removal from office, impeachment, or
32 expulsion.

33 (5) Donation to a charity of an amount equal to the

1 gift.

2 (b) A commission may impose a fine of up to \$1,000 per
3 violation to be deposited into the General Revenue Fund.

4 (c) The ultimate jurisdictional authority of a person
5 who violates an ethics provision may take disciplinary action
6 against the person as recommended by a commission or as it
7 deems appropriate, to the extent it is constitutionally
8 permissible for the ultimate jurisdictional authority to take
9 that action. The ultimate jurisdictional authority shall make
10 its action, or determination to take no action, available to
11 the public.

12 (d) If after a hearing the commission finds no violation
13 of this Act, the commission shall dismiss the complaint.

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

15 (5 ILCS 425/70)

16 Sec. 70. Penalty. An individual who knowingly violates
17 this Act is guilty of a business offense and subject to a
18 fine of up to \$5,000.

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

20 (5 ILCS 425/75)

21 Sec. 75. Review. A commission's decision to dismiss a
22 complaint or its recommendation is not a final administrative
23 decision, but its imposition of a fine is a final
24 administrative decision subject to judicial review under the
25 Administrative Review Law of the Code of Civil Procedure.

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

27 (5 ILCS 425/80)

28 Sec. 80. Exemption. Documents generated by an ethics
29 officer under this Act are exempt from the provisions of the
30 Freedom of Information Act. Any complaint and related
31 documents filed with an ethics commission under Section 60

1 are exempt from the provisions of the Freedom of Information
 2 Act so long as no finding of probable cause under subsection
 3 (c) of Section 60 has been made by the commission with
 4 respect to that complaint. Meetings of an ethics commission
 5 under subsection (c) of Section 60 are exempt from the
 6 provisions of the Open Meetings Act. The--proceedings
 7 conducted--and--documents-generated-under-this-Act-are-exempt
 8 from-the-provisions-of-the-Open-Meetings-Act-and-the--Freedom
 9 of-Information-Act.

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

11 (5 ILCS 425/83)

12 Sec. 83. Units of local government; school districts.
 13 (Blank). Within-6-months-after-the--effective--date--of--this
 14 Act,--units--of-local-government,--home-rule-units,--and-school
 15 districts-shall-prohibit-the-solicitation-and--acceptance--of
 16 gifts,--and--shall--enforce--these--prohibitions,--in-a-manner
 17 substantially-in-accordance-with-the-requirements-of-this-Act
 18 and-shall-adopt--provisions--no--less--restrictive--than--the
 19 provisions--of--this--Act.--Non-salaried-appointed-or-elected
 20 officials-may-be-exempted.

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

22 (5 ILCS 425/85)

23 Sec. 85. Home rule preemption. (Blank). A--home--rule
 24 unit--may--not--regulate-the-prohibition-of-gifts-to-members,
 25 officers,--employees,--or-judges-or-the--enforcement--of--these
 26 provisions--in--a--manner--inconsistent--with-this-Act.--This
 27 Section-is-a-limitation-under-subsection-(i)-of-Section-6--of
 28 Article--VII--of--the-Illinois-Constitution-on-the-concurrent
 29 exercise-by-home-rule-units-of-powers-and-functions-exercised
 30 by-the-State.

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

1 (5 ILCS 425/95)

2 Sec. 95. Effect on Executive Order or similar rule.
3 This Act supersedes the ethics reforms provided for in (i)
4 Part I (Ban On Gifts To State Employees From Prohibited
5 Sources) contained in Executive Order No. 2 (1997) and (ii)
6 any other executive, administrative, or similar order,
7 policy, or rule promulgated by an officer, member, judge,
8 employee, or governmental entity that conflicts with or is
9 less restrictive than this Act.

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

11 Section 10. The Open Meetings Act is amended by
12 re-enacting and changing Section 1.02 as follows:

13 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

14 Sec. 1.02. For the purposes of this Act:

15 "Meeting" means any gathering of a majority of a quorum
16 of the members of a public body held for the purpose of
17 discussing public business.

18 "Public body" includes all legislative, executive,
19 administrative or advisory bodies of the State, counties,
20 townships, cities, villages, incorporated towns, school
21 districts and all other municipal corporations, boards,
22 bureaus, committees or commissions of this State, and any
23 subsidiary bodies of any of the foregoing including but not
24 limited to committees and subcommittees which are supported
25 in whole or in part by tax revenue, or which expend tax
26 revenue, except the General Assembly and committees or
27 commissions thereof. "Public body" includes tourism boards
28 and convention or civic center boards located in counties
29 that are contiguous to the Mississippi River with populations
30 of more than 250,000 but less than 300,000. "Public body"
31 includes the Health Facilities Planning Board. "Public body"
32 does not include a child death review team established under

1 the Child Death Review Team Act or an ethics commission,
 2 ~~ethics-officer, or ultimate jurisdictional authority~~ acting
 3 under the State Gift Ban Act as provided by Section 80 of
 4 that Act.

5 (Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99;
 6 91-782, eff. 6-9-00.)

7 Section 15. The Freedom of Information Act is amended by
 8 re-enacting Section 7 as follows:

9 (5 ILCS 140/7) (from Ch. 116, par. 207)

10 Sec. 7. Exemptions.

11 (1) The following shall be exempt from inspection and
 12 copying:

13 (a) Information specifically prohibited from
 14 disclosure by federal or State law or rules and
 15 regulations adopted under federal or State law.

16 (b) Information that, if disclosed, would
 17 constitute a clearly unwarranted invasion of personal
 18 privacy, unless the disclosure is consented to in writing
 19 by the individual subjects of the information. The
 20 disclosure of information that bears on the public duties
 21 of public employees and officials shall not be considered
 22 an invasion of personal privacy. Information exempted
 23 under this subsection (b) shall include but is not
 24 limited to:

25 (i) files and personal information maintained
 26 with respect to clients, patients, residents,
 27 students or other individuals receiving social,
 28 medical, educational, vocational, financial,
 29 supervisory or custodial care or services directly
 30 or indirectly from federal agencies or public
 31 bodies;

32 (ii) personnel files and personal information

1 maintained with respect to employees, appointees or
2 elected officials of any public body or applicants
3 for those positions;

4 (iii) files and personal information
5 maintained with respect to any applicant, registrant
6 or licensee by any public body cooperating with or
7 engaged in professional or occupational
8 registration, licensure or discipline;

9 (iv) information required of any taxpayer in
10 connection with the assessment or collection of any
11 tax unless disclosure is otherwise required by State
12 statute; and

13 (v) information revealing the identity of
14 persons who file complaints with or provide
15 information to administrative, investigative, law
16 enforcement or penal agencies; provided, however,
17 that identification of witnesses to traffic
18 accidents, traffic accident reports, and rescue
19 reports may be provided by agencies of local
20 government, except in a case for which a criminal
21 investigation is ongoing, without constituting a
22 clearly unwarranted per se invasion of personal
23 privacy under this subsection.

24 (c) Records compiled by any public body for
25 administrative enforcement proceedings and any law
26 enforcement or correctional agency for law enforcement
27 purposes or for internal matters of a public body, but
28 only to the extent that disclosure would:

29 (i) interfere with pending or actually and
30 reasonably contemplated law enforcement proceedings
31 conducted by any law enforcement or correctional
32 agency;

33 (ii) interfere with pending administrative
34 enforcement proceedings conducted by any public

1 body;

2 (iii) deprive a person of a fair trial or an
3 impartial hearing;

4 (iv) unavoidably disclose the identity of a
5 confidential source or confidential information
6 furnished only by the confidential source;

7 (v) disclose unique or specialized
8 investigative techniques other than those generally
9 used and known or disclose internal documents of
10 correctional agencies related to detection,
11 observation or investigation of incidents of crime
12 or misconduct;

13 (vi) constitute an invasion of personal
14 privacy under subsection (b) of this Section;

15 (vii) endanger the life or physical safety of
16 law enforcement personnel or any other person; or

17 (viii) obstruct an ongoing criminal
18 investigation.

19 (d) Criminal history record information maintained
20 by State or local criminal justice agencies, except the
21 following which shall be open for public inspection and
22 copying:

23 (i) chronologically maintained arrest
24 information, such as traditional arrest logs or
25 blotters;

26 (ii) the name of a person in the custody of a
27 law enforcement agency and the charges for which
28 that person is being held;

29 (iii) court records that are public;

30 (iv) records that are otherwise available
31 under State or local law; or

32 (v) records in which the requesting party is
33 the individual identified, except as provided under
34 part (vii) of paragraph (c) of subsection (1) of

1 this Section.

2 "Criminal history record information" means data
3 identifiable to an individual and consisting of
4 descriptions or notations of arrests, detentions,
5 indictments, informations, pre-trial proceedings, trials,
6 or other formal events in the criminal justice system or
7 descriptions or notations of criminal charges (including
8 criminal violations of local municipal ordinances) and
9 the nature of any disposition arising therefrom,
10 including sentencing, court or correctional supervision,
11 rehabilitation and release. The term does not apply to
12 statistical records and reports in which individuals are
13 not identified and from which their identities are not
14 ascertainable, or to information that is for criminal
15 investigative or intelligence purposes.

16 (e) Records that relate to or affect the security
17 of correctional institutions and detention facilities.

18 (f) Preliminary drafts, notes, recommendations,
19 memoranda and other records in which opinions are
20 expressed, or policies or actions are formulated, except
21 that a specific record or relevant portion of a record
22 shall not be exempt when the record is publicly cited and
23 identified by the head of the public body. The exemption
24 provided in this paragraph (f) extends to all those
25 records of officers and agencies of the General Assembly
26 that pertain to the preparation of legislative documents.

27 (g) Trade secrets and commercial or financial
28 information obtained from a person or business where the
29 trade secrets or information are proprietary, privileged
30 or confidential, or where disclosure of the trade secrets
31 or information may cause competitive harm, including all
32 information determined to be confidential under Section
33 4002 of the Technology Advancement and Development Act.
34 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or
4 agreement, including information which if it were
5 disclosed would frustrate procurement or give an
6 advantage to any person proposing to enter into a
7 contractor agreement with the body, until an award or
8 final selection is made. Information prepared by or for
9 the body in preparation of a bid solicitation shall be
10 exempt until an award or final selection is made.

11 (i) Valuable formulae, designs, drawings and
12 research data obtained or produced by any public body
13 when disclosure could reasonably be expected to produce
14 private gain or public loss.

15 (j) Test questions, scoring keys and other
16 examination data used to administer an academic
17 examination or determined the qualifications of an
18 applicant for a license or employment.

19 (k) Architects' plans and engineers' technical
20 submissions for projects not constructed or developed in
21 whole or in part with public funds and for projects
22 constructed or developed with public funds, to the extent
23 that disclosure would compromise security.

24 (l) Library circulation and order records
25 identifying library users with specific materials.

26 (m) Minutes of meetings of public bodies closed to
27 the public as provided in the Open Meetings Act until the
28 public body makes the minutes available to the public
29 under Section 2.06 of the Open Meetings Act.

30 (n) Communications between a public body and an
31 attorney or auditor representing the public body that
32 would not be subject to discovery in litigation, and
33 materials prepared or compiled by or for a public body in
34 anticipation of a criminal, civil or administrative

1 proceeding upon the request of an attorney advising the
2 public body, and materials prepared or compiled with
3 respect to internal audits of public bodies.

4 (o) Information received by a primary or secondary
5 school, college or university under its procedures for
6 the evaluation of faculty members by their academic
7 peers.

8 (p) Administrative or technical information
9 associated with automated data processing operations,
10 including but not limited to software, operating
11 protocols, computer program abstracts, file layouts,
12 source listings, object modules, load modules, user
13 guides, documentation pertaining to all logical and
14 physical design of computerized systems, employee
15 manuals, and any other information that, if disclosed,
16 would jeopardize the security of the system or its data
17 or the security of materials exempt under this Section.

18 (q) Documents or materials relating to collective
19 negotiating matters between public bodies and their
20 employees or representatives, except that any final
21 contract or agreement shall be subject to inspection and
22 copying.

23 (r) Drafts, notes, recommendations and memoranda
24 pertaining to the financing and marketing transactions of
25 the public body. The records of ownership, registration,
26 transfer, and exchange of municipal debt obligations, and
27 of persons to whom payment with respect to these
28 obligations is made.

29 (s) The records, documents and information relating
30 to real estate purchase negotiations until those
31 negotiations have been completed or otherwise terminated.
32 With regard to a parcel involved in a pending or actually
33 and reasonably contemplated eminent domain proceeding
34 under Article VII of the Code of Civil Procedure,

1 records, documents and information relating to that
2 parcel shall be exempt except as may be allowed under
3 discovery rules adopted by the Illinois Supreme Court.
4 The records, documents and information relating to a real
5 estate sale shall be exempt until a sale is consummated.

6 (t) Any and all proprietary information and records
7 related to the operation of an intergovernmental risk
8 management association or self-insurance pool or jointly
9 self-administered health and accident cooperative or
10 pool.

11 (u) Information concerning a university's
12 adjudication of student or employee grievance or
13 disciplinary cases, to the extent that disclosure would
14 reveal the identity of the student or employee and
15 information concerning any public body's adjudication of
16 student or employee grievances or disciplinary cases,
17 except for the final outcome of the cases.

18 (v) Course materials or research materials used by
19 faculty members.

20 (w) Information related solely to the internal
21 personnel rules and practices of a public body.

22 (x) Information contained in or related to
23 examination, operating, or condition reports prepared by,
24 on behalf of, or for the use of a public body responsible
25 for the regulation or supervision of financial
26 institutions or insurance companies, unless disclosure is
27 otherwise required by State law.

28 (y) Information the disclosure of which is
29 restricted under Section 5-108 of the Public Utilities
30 Act.

31 (z) Manuals or instruction to staff that relate to
32 establishment or collection of liability for any State
33 tax or that relate to investigations by a public body to
34 determine violation of any criminal law.

1 (aa) Applications, related documents, and medical
2 records received by the Experimental Organ
3 Transplantation Procedures Board and any and all
4 documents or other records prepared by the Experimental
5 Organ Transplantation Procedures Board or its staff
6 relating to applications it has received.

7 (bb) Insurance or self insurance (including any
8 intergovernmental risk management association or self
9 insurance pool) claims, loss or risk management
10 information, records, data, advice or communications.

11 (cc) Information and records held by the Department
12 of Public Health and its authorized representatives
13 relating to known or suspected cases of sexually
14 transmissible disease or any information the disclosure
15 of which is restricted under the Illinois Sexually
16 Transmissible Disease Control Act.

17 (dd) Information the disclosure of which is
18 exempted under Section 30 of the Radon Industry Licensing
19 Act.

20 (ee) Firm performance evaluations under Section 55
21 of the Architectural, Engineering, and Land Surveying
22 Qualifications Based Selection Act.

23 (ff) Security portions of system safety program
24 plans, investigation reports, surveys, schedules, lists,
25 data, or information compiled, collected, or prepared by
26 or for the Regional Transportation Authority under
27 Section 2.11 of the Regional Transportation Authority Act
28 or the State of Missouri under the Bi-State Transit
29 Safety Act.

30 (gg) Information the disclosure of which is
31 restricted and exempted under Section 50 of the Illinois
32 Prepaid Tuition Act.

33 (hh) Information the disclosure of which is
34 exempted under Section 80 of the State Gift Ban Act.

1 (ii) Beginning July 1, 1999, information that would
2 disclose or might lead to the disclosure of secret or
3 confidential information, codes, algorithms, programs, or
4 private keys intended to be used to create electronic or
5 digital signatures under the Electronic Commerce Security
6 Act.

7 (jj) Information contained in a local emergency
8 energy plan submitted to a municipality in accordance
9 with a local emergency energy plan ordinance that is
10 adopted under Section 11-21.5-5 of the Illinois Municipal
11 Code.

12 (kk) ~~(jj)~~ Information and data concerning the
13 distribution of surcharge moneys collected and remitted
14 by wireless carriers under the Wireless Emergency
15 Telephone Safety Act.

16 (2) This Section does not authorize withholding of
17 information or limit the availability of records to the
18 public, except as stated in this Section or otherwise
19 provided in this Act.

20 (Source: P.A. 90-262, eff. 7-30-97; 90-273, eff. 7-30-97;
21 90-546, eff. 12-1-97; 90-655, eff. 7-30-98; 90-737, eff.
22 1-1-99; 90-759, eff. 7-1-99; 91-137, eff. 7-16-99; 91-357,
23 eff. 7-29-99; 91-660, eff. 12-22-99; revised 1-17-00.)

24 (5 ILCS 420/3-101 rep.)

25 Section 20. The Illinois Governmental Ethics Act is
26 amended by repealing Section 3-101.

27 Section 25. The Election Code is amended by re-enacting
28 Sections 9-1.7, 9-1.8, 9-1.9, 9-1.12, 9-6, 9-7.5, 9-11, 9-12,
29 9-13, 9-14, 9-26, and 9-28, and by re-enacting and changing
30 Sections 9-3, 9-8.10, 9-8.15, 9-9.5, 9-10, 9-23, and 9-27.5
31 and by adding Sections 9-8.5, 9-8.7, and 9-25.2 as follows:

1 (10 ILCS 5/9-1.7) (from Ch. 46, par. 9-1.7)

2 Sec. 9-1.7. "Local political committee" means the
3 candidate himself or any individual, trust, partnership,
4 committee, association, corporation, or other organization or
5 group of persons which:

6 (a) accepts contributions or grants or makes
7 expenditures during any 12-month period in an aggregate
8 amount exceeding \$3,000 on behalf of or in opposition to
9 a candidate or candidates for public office who are
10 required by the Illinois Governmental Ethics Act to file
11 statements of economic interests with the county clerk,
12 or on behalf of or in opposition to a candidate or
13 candidates for election to the office of ward or township
14 committeeman in counties of 3,000,000 or more population;

15 (b) accepts contributions or makes expenditures
16 during any 12-month period in an aggregate amount
17 exceeding \$3,000 in support of or in opposition to any
18 question of public policy to be submitted to the electors
19 of an area encompassing no more than one county; or

20 (c) accepts contributions or makes expenditures
21 during any 12-month period in an aggregate amount
22 exceeding \$3,000 and has as its primary purpose the
23 furtherance of governmental, political or social values,
24 is organized on a not-for-profit basis, and which
25 publicly endorses or publicly opposes a candidate or
26 candidates for public office who are required by the
27 Illinois Governmental Ethics Act to file statements of
28 economic interest with the County Clerk or a candidate or
29 candidates for the office of ward or township
30 committeeman in counties of 3,000,000 or more population.

31 (Source: P.A. 90-737, eff. 1-1-99; 91-357, eff. 7-29-99.)

32 (10 ILCS 5/9-1.8) (from Ch. 46, par. 9-1.8)

33 Sec. 9-1.8. "State political committee" means the

1 candidate himself or any individual, trust, partnership,
2 committee, association, corporation, or any other
3 organization or group of persons which--

4 (a) accepts contributions or grants or makes
5 expenditures during any 12-month period in an aggregate
6 amount exceeding \$3,000 on behalf of or in opposition to a
7 candidate or candidates for public office who are required by
8 the Illinois Governmental Ethics Act to file statements of
9 economic interests with the Secretary of State,

10 (b) accepts contributions or makes expenditures during
11 any 12-month period in an aggregate amount exceeding \$3,000
12 in support of or in opposition to any question of public
13 policy to be submitted to the electors of an area
14 encompassing more than one county, or

15 (c) accepts contributions or makes expenditures during
16 any 12-month period in an aggregate amount exceeding \$3,000
17 and has as its primary purpose the furtherance of
18 governmental, political or social values, is organized on a
19 not-for-profit basis, and which publicly endorses or publicly
20 opposes a candidate or candidates for public office who are
21 required by the Illinois Governmental Ethics Act to file
22 statements of economic interest with the Secretary of State.

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

24 (10 ILCS 5/9-1.9) (from Ch. 46, par. 9-1.9)

25 Sec. 9-1.9. "Political committee" includes State central
26 and county central committees of any political party, and
27 also includes local political committees and state political
28 committees, but does not include any candidate who does not
29 accept contributions or make expenditures during any 12-month
30 period in an aggregate amount exceeding \$3,000, nor does it
31 include, with the exception of State central and county
32 central committees of any political party, any individual,
33 trust, partnership, committee, association, corporation, or

1 any other organization or group of persons which does not
2 accept contributions or make expenditures during any 12-month
3 period in an aggregate amount exceeding \$3,000 on behalf of
4 or in opposition to a candidate or candidates or to any
5 question of public policy, and such candidates and persons
6 shall not be required to comply with any filing provisions in
7 this Article.

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

9 (10 ILCS 5/9-1.12) (from Ch. 46, par. 9-1.12)

10 Sec. 9-1.12. Anything of value includes all things,
11 services, or goods, regardless of whether they may be valued
12 in monetary terms according to ascertainable market value.
13 Anything of value which does not have an ascertainable market
14 value must be reported by describing the thing, services, or
15 goods contributed and by using the contributor's certified
16 market value required under Section 9-6.

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

18 (10 ILCS 5/9-3) (from Ch. 46, par. 9-3)

19 Sec. 9-3. Every state political committee and every
20 local political committee shall file with the State Board of
21 Elections, and every local political committee shall file
22 with the county clerk, a statement of organization within 10
23 business days of the creation of such committee, except any
24 political committee created within the 30 days before an
25 election shall file a statement of organization within 5
26 business days. A political committee that acts as both a
27 state political committee and a local political committee
28 shall file a copy of each statement of organization with the
29 State Board of Elections and the county clerk.

30 The statement of organization shall include -

31 (a) the name and address of the political committee (the
32 name of the political committee must include the name of any

1 sponsoring entity);

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

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

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

10 (e) (Blank);

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

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

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

20 A political committee that acts as either (i) a state and
21 local political committee or (ii) a local political committee
22 and that files reports electronically under Section 9-28 is
23 not required to file a statement of organization with the
24 appropriate county clerk if the county clerk has a system
25 that permits access to, and duplication of, statements that
26 are filed with the State Board of Elections.

27 For purposes of this Section, a "sponsoring entity" is
28 (i) any person, political committee, organization,
29 corporation, or association that contributes at least 33% of
30 the total funding of the political committee or (ii) any
31 person or other entity that is registered or is required to
32 register under the Lobbyist Registration Act and contributes
33 at least 33% of the total funding of the political committee.

34 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

1 (10 ILCS 5/9-6) (from Ch. 46, par. 9-6)

2 Sec. 9-6. Accounting for contributions.

3 (a) Every person who receives a contribution in excess
4 of \$20 for a political committee shall, on demand of the
5 treasurer, and in any event within 5 days after receipt of
6 such contribution, render to the treasurer a detailed account
7 thereof, including the amount, the name and address of the
8 person making such contribution, and the date on which it was
9 received.

10 (b) Within 5 business days of contributing goods or
11 services of more than \$50 value to a political committee, the
12 contributor shall certify the value of the contribution to
13 the political committee on forms prescribed by the State
14 Board of Elections. The forms shall include the name and
15 address of the contributor, a description and market value of
16 the goods or services, and the date on which the contribution
17 was made.

18 (c) All funds of a political committee shall be
19 segregated from, and may not be commingled with, any personal
20 funds of officers, members, or associates of such committee.
21 (Source: P.A. 90-737, eff. 1-1-99.)

22 (10 ILCS 5/9-7.5)

23 Sec. 9-7.5. Nonprofit organization registration and
24 disclosure.

25 (a) Each nonprofit organization, except for a labor
26 union (i) registered under the Lobbyist Registration Act or
27 for which lobbying is undertaken by persons registered under
28 that Act, (ii) that has not established a political
29 committee, and (iii) that accepts contributions or makes
30 expenditures during any 12-month period in an aggregate
31 amount exceeding \$5,000 (I) on behalf of or in opposition to
32 public officials, candidates for public office, or a question
33 of public policy and (II) for the purpose of influencing

1 legislative, executive, or administrative action as defined
2 in the Lobbyist Registration Act shall register with the
3 State Board of Elections. The Board by rule shall prescribe
4 the registration procedure and form. The registration form
5 shall require the following information:

6 (1) The registrant's name, address, and purpose.

7 (2) The name, address, and position of each
8 custodian of the registrant's financial books, accounts,
9 and records.

10 (3) The name, address, and position of each of the
11 registrant's principal officers.

12 (b) Each nonprofit organization required to register
13 under subsection (a) shall file contribution and expenditure
14 reports with the Board. The Board by rule shall prescribe
15 the form, which shall require the following information:

16 (1) The organization's name, address, and purpose.

17 (2) The amount of funds on hand at the beginning of
18 the reporting period.

19 (3) The full name and address of each person who
20 has made one or more contributions to or for the
21 organization within the reporting period in an aggregate
22 amount or value in excess of \$150, together with the
23 amount and date of the contributions, and if a
24 contributor is an individual who contributed more than
25 \$500, the occupation and employer of the contributor or,
26 if the occupation and employer of the contributor are
27 unknown, a statement that the organization has made a
28 good faith effort to ascertain this information.

29 (4) The total sum of individual contributions made
30 to or for the organization during the reporting period
31 and not reported in item (3).

32 (5) The name and address of each organization and
33 political committee from which the reporting organization
34 received, or to which that organization made, any

1 transfer of funds in an aggregate amount or value in
2 excess of \$150, together with the amounts and dates of
3 the transfers.

4 (6) The total sum of transfers made to or from the
5 organization during the reporting period and not reported
6 in item (5).

7 (7) Each loan to or from any person within the
8 reporting period by or to the organization in an
9 aggregate amount or value in excess of \$150, together
10 with the full names and mailing addresses of the lender
11 and endorsers, if any, and the date and amount of the
12 loans, and if a lender or endorser is an individual who
13 loaned or endorsed a loan of more than \$500, the
14 occupation and employer of the individual or, if the
15 occupation and employer of the individual are unknown, a
16 statement that the organization has made a good faith
17 effort to ascertain this information.

18 (8) The total amount of proceeds received by the
19 organization from (i) the sale of tickets for each
20 dinner, luncheon, cocktail party, rally, and other
21 fundraising event, (ii) mass collections made at those
22 events, and (iii) sales of items such as buttons, badges,
23 flags, emblems, hats, banners, literature, and similar
24 materials.

25 (9) Each contribution, rebate, refund, or other
26 receipt in excess of \$150 received by the organization
27 not otherwise listed under items (3) through (8), and if
28 a contributor is an individual who contributed more than
29 \$500, the occupation and employer of the contributor or,
30 if the occupation and employer of the contributor are
31 unknown, a statement that the organization has made a
32 good faith effort to ascertain this information.

33 (10) The total sum of all receipts by or for the
34 organization during the reporting period.

1 (11) The full name and mailing address of each
2 person to whom expenditures have been made by the
3 organization within the reporting period in an aggregate
4 amount or value in excess of \$150, the amount, date, and
5 purpose of each expenditure, and the question of public
6 policy on behalf of which the expenditure was made.

7 (12) The full name and mailing address of each
8 person to whom an expenditure for personal services,
9 salaries, and reimbursed expenses in excess of \$150 has
10 been made and which is not otherwise reported, including
11 the amount, date, and purpose of the expenditure.

12 (13) The total sum of expenditures made by the
13 organization during the reporting period.

14 (14) The full name and mailing address of each
15 person to whom the organization owes debts or obligations
16 in excess of \$150 and the amount of the debts or
17 obligations.

18 The State Board by rule shall define a "good faith
19 effort".

20 (c) The reports required under subsection (b) shall be
21 filed at the same times and for the same reporting periods as
22 reports of campaign contributions and semi-annual reports of
23 campaign contributions and expenditures required by this
24 Article of political committees. The reports required under
25 subsection (b) shall be available for public inspection and
26 copying in the same manner as reports filed by political
27 committees. The Board may charge a fee that covers the costs
28 of copying and distribution, if any.

29 (d) An organization required to file reports under
30 subsection (b) shall include a statement on all literature
31 and advertisements soliciting funds stating the following:

32 "A copy of our report filed with the State Board of
33 Elections is (or will be) available for purchase from the
34 State Board of Elections, Springfield, Illinois".

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

2 (10 ILCS 5/9-8.5 new)

3 Sec. 9-8.5. Prohibited solicitations by certain State
4 officials, employees, and appointees. An executive branch
5 constitutional officer, his or her employees, or a candidate
6 in a general primary election or general election for that
7 constitutional office may not knowingly solicit contributions
8 from that constitutional officer's employees, regardless of
9 the time, place, or manner of solicitation.

10 For the purpose of this Section: executive branch
11 constitutional officer means the Governor, Lieutenant
12 Governor, Secretary of State, Attorney General, State
13 Treasurer, and State Comptroller; and employee means a
14 full-time or part-time salaried employee or a salaried
15 appointee of any office, board, commission, agency,
16 department, authority, administrative unit, or corporate
17 outgrowth under the jurisdiction of the applicable officer or
18 entity.

19 Violation of this Section constitutes grounds for
20 disciplinary action, including discharge, against the
21 offending officer or employee to the extent permissible under
22 the Illinois Constitution. In the case of an executive
23 branch constitutional officer, violation of this Section may
24 constitute grounds for his or her impeachment.

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

27 (10 ILCS 5/9-8.7 new)

28 Sec. 9-8.7. Prohibited offer or promise. An executive
29 branch constitutional officer, an employee of an executive
30 branch constitutional officer, or a candidate in a general
31 primary election or general election for an executive branch
32 constitutional office may not promise anything of value,

1 including but not limited to positions in State government,
2 promotions, salary increases, or preferential treatment of
3 any type, in return for a contribution to a political
4 committee, political party, or other entity that has as one
5 of its purposes the financial support of a candidate for
6 elective office.

7 For the purpose of this Section: executive branch
8 constitutional officer means the Governor, Lieutenant
9 Governor, Secretary of State, Attorney General, State
10 Treasurer, and State Comptroller; and employee means a
11 full-time or part-time salaried employee or a salaried
12 appointee of any office, board, commission, agency,
13 department, authority, administrative unit, or corporate
14 outgrowth under the jurisdiction of the applicable officer or
15 entity.

16 Violation of this Section constitutes grounds for
17 disciplinary action, including discharge, against the
18 offending officer or employee to the extent permissible under
19 the Illinois Constitution. In the case of an executive
20 branch constitutional officer, violation of this Section may
21 constitute grounds for his or her impeachment.

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

24 (10 ILCS 5/9-8.10)

25 Sec. 9-8.10. Use of political committee and other
26 reporting organization funds.

27 (a) The funds of (i) a political committee controlled by
28 an officeholder or by a candidate or (ii) an organization
29 subject to Section 9-7.5 may be used only for:

30 (1) Expenditures that would not be included in base
31 income under Section 203 of the Illinois Income Tax Act
32 and the regulations promulgated under that Section.

33 (2) Defraying the ordinary and necessary expenses

1 of an officeholder or candidate. For the purposes of
 2 this paragraph (2), "ordinary and necessary expenses"
 3 include, but are not limited to, expenses in relation to
 4 the operation of the district office of a member of the
 5 General Assembly.

6 (3) Donations to organizations exempt from taxation
 7 under Section 170(c) of the Internal Revenue Code.

8 (4) Transfers to any national, State, or local
 9 political committee, subject to the laws governing that
 10 political committee. A political committee, or
 11 organization subject to Section 9-7.5, shall not make
 12 expenditures:

13 (1) In violation of any law of the United States or
 14 of this State.

15 (2) Clearly in excess of the fair market value of
 16 the services, materials, facilities, or other things of
 17 value received in exchange.

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

1 executed.

2 (4) -- For the satisfaction or repayment of any debts
3 or for the payment of any expenses relating to a personal
4 residence. -- Campaign funds may not be used as collateral
5 for home mortgages.

6 (5) -- For clothing or personal laundry expenses,
7 except clothing items rented by the public official or
8 candidate for his or her own use exclusively for a
9 specific campaign-related event, provided that committees
10 may purchase costumes, novelty items, or other
11 accessories worn primarily to advertise the candidacy.

12 (6) -- For the travel expenses of any person unless
13 the travel is necessary for fulfillment of political,
14 governmental, or public policy duties, activities, or
15 purposes.

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

22 (8) -- In payment for anything of value or for
23 reimbursement of any expenditure for which any person has
24 been reimbursed by the State or any person. For purposes
25 of this item (8), a per diem allowance is not a
26 reimbursement.

27 (9) -- For the purchase of or installment payment for
28 a motor vehicle unless the political committee can
29 demonstrate that purchase of a motor vehicle is more
30 cost-effective than leasing a motor vehicle as permitted
31 under this item (9). -- A political committee may lease or
32 purchase and insure, maintain, and repair a motor vehicle
33 if the vehicle will be used primarily for campaign
34 purposes or for the performance of governmental duties.

1 A--committee--shall--not--make--expenditures--for--use--of--the
2 vehicle--for--non--campaign--or--non--governmental--purposes.
3 Persons--using--vehicles--not--purchased--or--leased--by--a
4 political--committee--may--be--reimbursed--for--actual--mileage
5 for--the--use--of--the--vehicle--for--campaign--purposes--or--for
6 the--performance--of--governmental--duties.---The--mileage
7 reimbursements--shall--be--made--at--a--rate--not--to--exceed--the
8 standard--mileage--rate--method--for--computation--of--business
9 expenses--under--the--Internal--Revenue--Code.

10 (10)--Directly--for--an--individual's--tuition--or--other
11 educational--expenses,---except---for---governmental---or
12 political--purposes--directly--related--to--a--candidate's--or
13 public--official's--duties--and--responsibilities.

14 (11)--For--payments--to--a--public--official--or--candidate
15 or--his--or--her--family--member--unless--for--compensation--for
16 services--actually--rendered--by--that--person.

17 The provisions of this Section item-(11) do not apply to
18 expenditures by a political committee in an aggregate amount
19 not exceeding the amount of funds reported to and certified
20 by the State Board or county clerk as available as of June
21 30, 1998, in the semi-annual report of contributions and
22 expenditures filed by the political committee for the period
23 concluding June 30, 1998.

24 (b) The Board shall have the authority to investigate,
25 upon receipt of a verified complaint, violations of the
26 provisions of this Section. The Board may levy a fine on any
27 person who knowingly makes expenditures in violation of this
28 Section and on any person who knowingly makes a malicious and
29 false accusation of a violation of this Section. The Board
30 may act under this subsection only upon the affirmative vote
31 of at least 5 of its members. The fine shall not exceed \$500
32 for each expenditure of \$500 or less and shall not exceed the
33 amount of the expenditure plus \$500 for each expenditure
34 greater than \$500. The Board shall also have the authority

1 to render rulings and issue opinions relating to compliance
2 with this Section.

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

4 (10 ILCS 5/9-8.15)

5 Sec. 9-8.15. Contributions on State property.
6 Contributions shall not be knowingly solicited, offered, or
7 accepted ~~en--a--face-to-face--basis~~ by public officials or
8 employees or by candidates on State property except as
9 provided in this Section.

10 Contributions may be solicited, offered, or accepted on
11 State property ~~en-a-face-to-face-basis~~ by public officials or
12 employees or by candidates at a fundraising event for which
13 the State property is leased or rented.

14 Anyone who knowingly solicits, offers, or accepts
15 contributions on State property in violation of this Section
16 is guilty of a business offense subject to a fine of \$5,000,
17 except that for contributions solicited, offered, or accepted
18 for State officers and candidates and political committees
19 formed for statewide office, the fine shall not exceed
20 \$10,000. For the purpose of this Section, "statewide office"
21 and "State officer" means the Governor, Lieutenant Governor,
22 Attorney General, Secretary of State, Comptroller, and
23 Treasurer.

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

25 (10 ILCS 5/9-9.5)

26 Sec. 9-9.5. Disclosure on political literature. (Blank).
27 ~~Any-pamphlet,-circular,-handbill,-advertisement,-or-other~~
28 ~~political-literature-that-supports-or-opposes-any-public~~
29 ~~official,-candidate-for-public-office,-or-question-of-public~~
30 ~~policy,-or-that-would-have-the-effect-of-supporting-or~~
31 ~~opposing-any-public-official,-candidate-for-public-office,-or~~
32 ~~question-of-public-policy,-shall-contain-the-name-of-the~~

1 individual--or--organization--that--authorized,--caused-to-be
2 authorized,--paid-for,--caused-to-be-paid-for,--or--distributed
3 the--pamphlet,--circular,--handbill,--advertisement,--or--other
4 political--literature.--If--the--individual--or--organization
5 includes--an--address,--it--must--be--an--actual--personal--or
6 business--address--of--the--individual--or--business--address--of--the
7 organization.

8 This--Section--does--not--apply--to--items,--the--size--of--which
9 is--not--sufficient--to--contain--the--required--disclosure.

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

11 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

12 Sec. 9-10. Financial reports.

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

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

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

18 (b-5) Notwithstanding the provisions of subsection (b),
19 any contribution of \$500 or more received in the interim
20 between the last date of the period covered by the last
21 report filed under subsection (b) prior to the election and
22 the date of the election shall be reported within 5 ~~2~~
23 business days after its receipt. The State Board shall allow
24 filings under this subsection (b-5) to be made by facsimile
25 transmission. For the purpose of this subsection, a
26 contribution is considered received on the date the public
27 official, candidate, or political committee (or equivalent
28 person in the case of a reporting entity other than a
29 political committee) actually receives it or, in the case of
30 goods or services, 2 days after the date the public official,
31 candidate, committee, or other reporting entity receives the
32 certification required under subsection (b) of Section 9-6.
33 Failure to report each contribution is a separate violation
34 of this subsection. The Board may ~~shall~~ impose fines for

1 violations of this subsection as follows:

2 (1) For the first violation of this subsection, not
3 more than \$500.

4 (2) For a second or subsequent violation of this
5 subsection, not more than \$1,000.

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

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

20 (c) In addition to such reports the treasurer of every
21 political committee shall file semi-annual reports of
22 campaign contributions and expenditures no later than July
23 31st, covering the period from January 1st through June 30th
24 immediately preceding, and no later than January 31st,
25 covering the period from July 1st through December 31st of
26 the preceding calendar year. Reports of contributions and
27 expenditures must be filed to cover the prescribed time
28 periods even though no contributions or expenditures may have
29 been received or made during the period. The Board shall
30 assess a civil penalty not to exceed \$5,000 for a violation
31 of this subsection, except that for State officers and
32 candidates and political committees formed for statewide
33 office, the civil penalty may not exceed \$10,000. The fine,
34 however, shall not exceed \$500 for a first filing violation

1 for filing less than 10 days after the deadline. There shall
 2 be no fine if the report is mailed and postmarked at least 72
 3 hours prior to the filing deadline. For the purpose of this
 4 subsection, "statewide office" and "State officer" means the
 5 Governor, Lieutenant Governor, Attorney General, Secretary of
 6 State, Comptroller, and Treasurer.

7 (c-5) A political committee that acts as either (i) a
 8 state and local political committee or (ii) a local political
 9 committee and that files reports electronically under Section
 10 9-28 is not required to file copies of the reports with the
 11 appropriate county clerk, if the county clerk has a system
 12 that permits access to, and duplication of, reports that are
 13 filed with the State Board of Elections.

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

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

18 (10 ILCS 5/9-11) (from Ch. 46, par. 9-11)

19 Sec. 9-11. Each report of campaign contributions under
 20 Section 9-10 shall disclose-

- 21 (1) the name and address of the political committee;
- 22 (2) (Blank);
- 23 (3) the amount of funds on hand at the beginning of the
 24 reporting period;
- 25 (4) the full name and mailing address of each person who
 26 has made one or more contributions to or for such committee
 27 within the reporting period in an aggregate amount or value
 28 in excess of \$150, together with the amount and date of such
 29 contributions, and if a contributor is an individual who
 30 contributed more than \$500, the occupation and employer of
 31 the contributor or, if the occupation and employer of the
 32 contributor are unknown, a statement that the committee has
 33 made a good faith effort to ascertain this information;

1 (5) the total sum of individual contributions made to or
2 for such committee during the reporting period and not
3 reported under item (4);

4 (6) the name and address of each political committee
5 from which the reporting committee received, or to which that
6 committee made, any transfer of funds, in any aggregate
7 amount or value in excess of \$150, together with the amounts
8 and dates of all transfers;

9 (7) the total sum of transfers made to or from such
10 committee during the reporting period and not reported under
11 item (6);

12 (8) each loan to or from any person within the reporting
13 period by or to such committee in an aggregate amount or
14 value in excess of \$150, together with the full names and
15 mailing addresses of the lender and endorsers, if any, and
16 the date and amount of such loans, and if a lender or
17 endorser is an individual who loaned or endorsed a loan of
18 more than \$500, the occupation and employer of that
19 individual, or if the occupation and employer of the
20 individual are unknown, a statement that the committee has
21 made a good faith effort to ascertain this information;

22 (9) the total amount of proceeds received by such
23 committee from (a) the sale of tickets for each dinner,
24 luncheon, cocktail party, rally, and other fund-raising
25 events; (b) mass collections made at such events; and (c)
26 sales of items such as political campaign pins, buttons,
27 badges, flags, emblems, hats, banners, literature, and
28 similar materials;

29 (10) each contribution, rebate, refund, or other receipt
30 in excess of \$150 received by such committee not otherwise
31 listed under items (4) through (9), and if a contributor is
32 an individual who contributed more than \$500, the occupation
33 and employer of the contributor or, if the occupation and
34 employer of the contributor are unknown, a statement that the

1 committee has made a good faith effort to ascertain this
2 information;

3 (11) the total sum of all receipts by or for such
4 committee or candidate during the reporting period.

5 The Board shall by rule define a "good faith effort".

6 The reports of campaign contributions filed under this
7 Article shall be cumulative during the reporting period to
8 which they relate.

9 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

10 (10 ILCS 5/9-12) (from Ch. 46, par. 9-12)

11 Sec. 9-12. Each report of campaign contributions
12 required by Section 9-10 of this Article to be filed with the
13 Board or the Board and the county clerk shall be verified,
14 dated, and signed by either the treasurer of the political
15 committee making the report or the candidate on whose behalf
16 the report is made, and shall contain substantially the
17 following:

18 REPORT OF CAMPAIGN CONTRIBUTIONS

19 (1) name and address of the political committee:
20

21 (2) the date of the beginning of the reporting period, and
22 the amount of funds on hand at the beginning of the reporting
23 period:
24

25 (3) the full name and mailing address of each person who has
26 made one or more contributions to or for the committee within
27 the reporting period in an aggregate amount or value in
28 excess of \$150, together with the amount and date of such
29 contributions, and if a contributor is an individual who
30 contributed more than \$500, the occupation and employer of
31 each contributor or, if the occupation and employer of the
32 contributor are unknown, a statement that the committee has
33 made a good faith effort to ascertain this information:

1	name	address	amount	date	occupation	employer
2
3
4
5
6

7 (4) the total sum of individual contributions made to or for
8 the committee during the reporting period and not reported
9 under item (3) -

10

11 (5) the name and address of each political committee from
12 which the reporting committee received, or to which that
13 committee made, any transfer of funds, in an aggregate amount
14 or value in excess of \$150, together with the amounts and
15 dates of all transfers:

16	name	address	amount	date
17
18
19

20 (6) the total sum of transfers made to or from such
21 committee during the reporting period and not under item (5):

22

23 (7) each loan to or from any person within the reporting
24 period by or to the committee in an aggregate amount or value
25 in excess of \$150, together with the full names and mailing
26 addresses of the lender and endorsers, if any, and the date
27 and amount of such loans, and if a lender or endorser is an
28 individual who loaned or endorsed a loan of more than \$500,
29 the occupation and employer of each person making the loan,
30 or if the occupation and employer of the individual are
31 unknown, a statement that the committee has made a good faith
32 effort to ascertain this information:

33 (8) the total amount of proceeds received by the committee
34 from (a) the sale of tickets for each dinner, luncheon,

1 cocktail party, rally, and other fund-raising events; (b)
2 mass collections made at such events; and (c) sales of items
3 such as political campaign pins, buttons, badges, flags,
4 emblems, hats, banners, literature, and similar materials:

- 5 (a).....
- 6 (b).....
- 7 (c).....

8 (9) each contribution, rebate, refund, or other receipt in
9 excess of \$150 received by the committee not otherwise listed
10 under items (3) through (8), and if the contributor is an
11 individual who contributed more than \$500, the occupation and
12 employer of each contributor or, if the occupation and
13 employer of the contributor are unknown, a statement that the
14 committee has made a good faith effort to ascertain this
15 information:

16	name	address	amount	date	occupation	employer
17
18

19 (10) the total sum of all receipts by or for the committee
20 during the reporting period:

21

22 VERIFICATION:

23 "I declare that this report of campaign contributions
24 (including any accompanying schedules and statements) has
25 been examined by me and to the best of my knowledge and
26 belief is a true, correct and complete report as required by
27 Article 9 of The Election Code. I understand that willfully
28 filing a false or incomplete statement is a business offense
29 subject to a fine of up to \$5,000."

30

31 (date of filing) (signature of person making the report)

32 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

1 Sec. 9-13. Each semi-annual report of campaign
2 contributions and expenditures under Section 9-10 shall
3 disclose-

4 (1) the name and address of the political committee;

5 (2) (Blank);

6 (3) the amount of funds on hand at the beginning of the
7 reporting period;

8 (4) the full name and mailing address of each person who
9 has made one or more contributions to or for such committee
10 within the reporting period in an aggregate amount or value
11 in excess of \$150, together with the amount and date of such
12 contributions, and if the contributor is an individual who
13 contributed more than \$500, the occupation and employer of
14 the contributor or, if the occupation and employer of the
15 contributor are unknown, a statement that the committee has
16 made a good faith effort to ascertain this information;

17 (5) the total sum of individual contributions made to or
18 for such committee during the reporting period and not
19 reported under item (4);

20 (6) the name and address of each political committee
21 from which the reporting committee received, or to which that
22 committee made, any transfer of funds, in the aggregate
23 amount or value in excess of \$150, together with the amounts
24 and dates of all transfers;

25 (7) the total sum of transfers made to or from such
26 committee during the reporting period and not reported under
27 item (6);

28 (8) each loan to or from any person within the reporting
29 period by or to such committee in an aggregate amount or
30 value in excess of \$150, together with the full names and
31 mailing addresses of the lender and endorsers, if any, and
32 the date and amount of such loans, and if a lender or
33 endorser is an individual who loaned or endorsed a loan of
34 more than \$500, the occupation and employer of that

1 individual, or if the occupation and employer of the
2 individual are unknown, a statement that the committee has
3 made a good faith effort to ascertain this information;

4 (9) the total amount of proceeds received by such
5 committee from (a) the sale of tickets for each dinner,
6 luncheon, cocktail party, rally, and other fund-raising
7 events; (b) mass collections made at such events; and (c)
8 sales of items such as political campaign pins, buttons,
9 badges, flags, emblems, hats, banners, literature, and
10 similar materials;

11 (10) each contribution, rebate, refund, or other receipt
12 in excess of \$150 received by such committee not otherwise
13 listed under items (4) through (9), and if the contributor is
14 an individual who contributed more than \$500, the occupation
15 and employer of the contributor or, if the occupation and
16 employer of the contributor are unknown, a statement that the
17 committee has made a good faith effort to ascertain this
18 information;

19 (11) the total sum of all receipts by or for such
20 committee or candidate during the reporting period;

21 (12) the full name and mailing address of each person to
22 whom expenditures have been made by such committee or
23 candidate within the reporting period in an aggregate amount
24 or value in excess of \$150, the amount, date, and purpose of
25 each such expenditure and the question of public policy or
26 the name and address of, and office sought by, each candidate
27 on whose behalf such expenditure was made;

28 (13) the full name and mailing address of each person to
29 whom an expenditure for personal services, salaries, and
30 reimbursed expenses in excess of \$150 has been made, and
31 which is not otherwise reported, including the amount, date,
32 and purpose of such expenditure;

33 (14) the total sum of expenditures made by such
34 committee during the reporting period;

1 (15) the full name and mailing address of each person to
2 whom the committee owes debts or obligations in excess of
3 \$150, and the amount of such debts or obligations.

4 The Board shall by rule define a "good faith effort".
5 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

6 (10 ILCS 5/9-14) (from Ch. 46, par. 9-14)

7 Sec. 9-14. Each semi-annual report of campaign
8 contributions and expenditures required by Section 9-10 of
9 this Article to be filed with the Board or the Board and the
10 county clerk shall be verified, dated, and signed by either
11 the treasurer of the political committee making the report or
12 the candidate on whose behalf the report is made, and shall
13 contain substantially the following:

14 SEMI-ANNUAL REPORT OF CAMPAIGN
15 CONTRIBUTIONS AND EXPENDITURES

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

18 (2) the date of the beginning of the reporting period, and
19 the amount of funds on hand at the beginning of the reporting
20 period;
21

22 (3) the full name and mailing address of each person who has
23 made one or more contributions to or for the committee within
24 the reporting period in an aggregate amount or value in
25 excess of \$150, together with the amount and date of such
26 contributions, and if a contributor is an individual who
27 contributed more than \$500, the occupation and employer of
28 each contributor or, if the occupation and employer of the
29 contributor are unknown, a statement that the committee has
30 made a good faith effort to ascertain this information:

31	name	address	amount	date	occupation	employer
32
33

1
 2
 3

4 (4) the total sum of individual contributions made to or for
 5 the committee during the reporting period and not reported
 6 under item--(3):

7

8 (5) the name and address of each political committee from
 9 which the reporting committee received, or to which that
 10 committee made, any transfer of funds, in an aggregate amount
 11 or value in excess of \$150, together with the amounts and
 12 dates of all transfers:

13	name	address	amount	date
14
15
16

17 (6) the total sum of transfers made to or from such
 18 committee during the reporting period and not reported under
 19 item (5);

20 (7) each loan to or from any person within the reporting
 21 period by or to the committee in an aggregate amount or value
 22 in excess of \$150, together with the full names and mailing
 23 addresses of the lender and endorsers, if any, and the date
 24 and amount of such loans, and if a lender or endorser is an
 25 individual who loaned or endorsed a loan of more than \$500,
 26 the occupation and employer of each person making the loan,
 27 or if the occupation and employer of the individual are
 28 unknown, a statement that the committee has made a good faith
 29 effort to ascertain this information:

30	name	address	amount	date	endorsers	occupation	employer
31
32
33

34 (8) the total amount of proceeds received by the committee

1 from (a) the sale of tickets for each dinner, luncheon,
 2 cocktail party, rally, and other fund-raising events; (b)
 3 mass collections made at such events; and (c) sales of items
 4 such as political campaign pins, buttons, badges, flags,
 5 emblems, hats, banners, literature, and similar materials:

- 6 (a).....
- 7 (b).....
- 8 (c).....

9 (9) each contribution, rebate, refund, or other receipt in
 10 excess of \$150 received by the committee not otherwise listed
 11 under items (3) through (8), and if a contributor is an
 12 individual who contributed more than \$500, the occupation and
 13 employer of each contributor or, if the occupation and
 14 employer of the contributor are unknown, a statement that the
 15 committee has made a good faith effort to ascertain this
 16 information:

17	name	address	amount	date	endorsers	occupation	employer
18
19
20

21 (10) the total sum of all receipts by or for the committee
 22 during the reporting period:

23

24 (11) the full name and mailing address of each person to
 25 whom expenditures have been made by the committee within the
 26 reporting period in an aggregate amount or value in excess of
 27 \$150, the amount, date, and purpose of each such expenditure,
 28 and the question of public policy or the name and address of,
 29 and office sought by, each candidate on whose behalf the
 30 expenditure was made:

31	name	address	amount	date	purpose	beneficiary
32
33
34

1
2

3 (12) the full name and mailing address of each person to
4 whom an expenditure for personal services, salaries, and
5 reimbursed expenses in excess of \$150 has been made, and
6 which is not otherwise reported, including the amount, date,
7 and purpose of such expenditure:

8	name	address	amount	date	purpose
9
10
11

12 (13) the total sum of expenditures made by the committee
13 during the reporting period;

14

15 (14) the full name and mailing address of each person to
16 whom the committee owes debts or obligations in excess of
17 \$150, and the amount of such debts or obligations:

18
19

20 VERIFICATION:

21 "I declare that this semi-annual report of campaign
22 contributions and expenditures (including any accompanying
23 schedules and statements) has been examined by me and to the
24 best of my knowledge and belief is a true, correct and
25 complete report as required by Article 9 of The Election
26 Code. I understand that willfully filing a false or
27 incomplete report is a business offense subject to a fine of
28 up to \$5,000."

29

30 (date of filing) (signature of person making the report)

31 (Source: P.A. 90-495, eff. 1-1-98; 90-737, eff. 1-1-99.)

32 (10 ILCS 5/9-23) (from Ch. 46, par. 9-23)
33 Sec. 9-23. Whenever the Board, pursuant to Section 9-21,

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

17 Civil penalties imposed on any such person by the Board
 18 shall be enforceable in the Circuit Court. The Board shall
 19 petition the Court for an order to enforce collection of the
 20 penalty and, if the Court finds it has jurisdiction over the
 21 person against whom the penalty was imposed, the Court shall
 22 issue the appropriate order. Any civil penalties collected
 23 by the Court shall be forwarded to the State Treasurer.

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

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

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

1 Sec. 9-25.2. Contributions; candidate or treasurer of
2 political committee.

3 (a) No candidate may knowingly receive any contribution
4 solicited or received in violation of Section 33-3.1 of the
5 Criminal Code of 1961.

6 (b) The receipt of political contributions in violation
7 of this Section shall constitute a Class A misdemeanor.

8 The appropriate State's Attorney or the Attorney General
9 shall bring actions in the name of the people of the State of
10 Illinois.

11 (c) Any contribution solicited in violation of Section
12 33-3.1 of the Criminal Code of 1961 shall escheat to the
13 State of Illinois. Any candidate or political committee that
14 receives a contribution prohibited by this Section shall
15 forward it immediately to the State Treasurer.

16 (10 ILCS 5/9-26) (from Ch. 46, par. 9-26)

17 Sec. 9-26. Willful failure to file or willful filing of
18 false or incomplete information required by this Article
19 shall constitute a business offense subject to a fine of up
20 to \$5,000.

21 Willful filing of a false complaint under this Article
22 shall constitute a Class B misdemeanor.

23 A prosecution for any offense designated by this Article
24 shall be commenced no later than 18 months after the
25 commission of the offense.

26 The appropriate State's Attorney or the Attorney General
27 shall bring such actions in the name of the people of the
28 State of Illinois.

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

30 (10 ILCS 5/9-27.5)

31 Sec. 9-27.5. Fundraising in or within 50 miles of the
32 State Capitol building Springfield. Except as provided in

1 this Section, any executive branch constitutional officer,
2 any candidate for an executive branch constitutional office,
3 any member of the General Assembly, any candidate for the
4 General Assembly, any political caucus of the General
5 Assembly, or any political committee on behalf of any of the
6 foregoing may not hold a fundraising function in or within 50
7 miles of the State Capitol building Springfield on any day
8 the legislature is in session (i) during the period beginning
9 90 days before the later of the dates scheduled by either
10 house of the General Assembly for the adjournment of the
11 spring session and ending on the later of the actual
12 adjournment dates of either house of the spring session and
13 (ii) during fall veto session. For purposes of this Section,
14 the legislature is not considered to be in session on a day
15 that is solely a perfunctory session day or on a day when
16 only a committee is meeting.

17 This Section does not apply to members and political
18 committees of members of the General Assembly whose districts
19 are located, in whole or in part, in or within 50 miles of
20 the State Capitol building Springfield and candidates and
21 political committees of candidates for the General Assembly
22 from districts located, in whole or in part, in or within 50
23 miles of the State Capitol building Springfield, provided
24 that the fundraising function takes place within the member's
25 or candidate's district.

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

27 (10 ILCS 5/9-28)

28 Sec. 9-28. Electronic filing and availability. The
29 Board shall by rule provide for the electronic filing of
30 expenditure and contribution reports as follows:

31 Beginning July 1, 1999, or as soon thereafter as the
32 Board has provided adequate software to the political
33 committee, electronic filing is required for all political

1 committees that during the reporting period (i) had at any
2 time a balance or an accumulation of contributions of \$25,000
3 or more, (ii) made aggregate expenditures of \$25,000 or more,
4 or (iii) received loans of an aggregate of \$25,000 or more.

5 Beginning July 1, 2003, electronic filing is required for
6 all political committees that during the reporting period (i)
7 had at any time a balance or an accumulation of contributions
8 of \$10,000 or more, (ii) made aggregate expenditures of
9 \$10,000 or more, or (iii) received loans of an aggregate of
10 \$10,000 or more.

11 The Board may provide by rule for the optional electronic
12 filing of expenditure and contribution reports for all other
13 political committees. The Board shall promptly make all
14 reports filed under this Article by all political committees
15 publicly available by means of a searchable database that is
16 accessible through the World Wide Web.

17 The Board shall provide all software necessary to comply
18 with this Section to candidates, public officials, political
19 committees, and election authorities.

20 The Board shall implement a plan to provide computer
21 access and assistance to candidates, public officials,
22 political committees, and election authorities with respect
23 to electronic filings required under this Article.

24 For the purposes of this Section, "political committees"
25 includes entities required to report to the Board under
26 Section 9-7.5.

27 (Source: P.A. 90-495, eff. 8-18-97; 90-737, eff. 1-1-99.)

28 (10 ILCS 5/29-14 rep.)

29 Section 30. The Election Code is amended by repealing
30 Section 29-14.

31 Section 35. The Lobbyist Registration Act is amended by
32 re-enacting Section 6.5 as follows:

1 (25 ILCS 170/6.5)

2 Sec. 6.5. Response to report by official.

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

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

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

18 Section 40. The Illinois Procurement Code is amended by
19 changing Section 50-30 as follows:

20 (30 ILCS 500/50-30)

21 Sec. 50-30. Revolving door prohibition. No former State
22 officer or State employee may, within a period of 2 years
23 immediately preceding termination of State employment, accept
24 employment or receive compensation from an employer if:

25 (1) The officer or employee, during the 2 years
26 immediately preceding termination of State employment, was
27 engaged in the negotiation or administration on behalf of the
28 State or agency of one or more contracts with that employer
29 and was in a position to make discretionary decisions
30 affecting the outcome of such negotiation or nature of such
31 administration; or

32 (2) The officer or employee was the chief procurement

1 officer, associate procurement officer, State purchasing
 2 officer, designee of one of those officers whose principal
 3 duties are directly related to State procurement, or
 4 executive officer confirmed by the Senate.

5 This prohibition includes but is not limited to: lobbying
 6 the procurement process; specifying; bidding; proposing bid,
 7 proposal, or contract documents; on his or her own behalf or
 8 on behalf of any firm, partnership, association, or
 9 corporation. This Section applies only to persons who
 10 terminate an affected position on or after the effective date
 11 of this amendatory Act of the 92nd General Assembly. Chief
 12 procurement-officers, associate-procurement-officers, State
 13 purchasing-officers, their-designees-whose-principal-duties
 14 are-directly-related-to-State-procurement, and executive
 15 officers-confirmed-by-the-Senate-are-expressly-prohibited-for
 16 a-period-of-2-years-after-terminating-an-affected-position
 17 from-engaging-in-any-procurement-activity-relating-to-the
 18 State-agency-most-recently-employing-them-in-an-affected
 19 position-for-a-period-of-at-least-6-months. The prohibition
 20 includes-but-is-not-limited-to: lobbying-the-procurement
 21 process; specifying; bidding; proposing bid, proposal, or
 22 contract-documents; on-their-own-behalf-or-on-behalf-of-any
 23 firm, partnership, association, or corporation. This Section
 24 applies-only-to-persons-who-terminate-an-affected-position-on
 25 or-after-January-15, 1999.

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

27 Section 50. The Criminal Code of 1961 is amended by
 28 adding Section 33-3.1 as follows:

29 (720 ILCS 5/33-3.1 new)

30 Sec. 33-3.1. Solicitation misconduct.

31 (a) A public employee commits solicitation misconduct
 32 when he or she knowingly solicits or receives contributions,

1 as that term is defined in Section 9-1.4 of the Election
2 Code, from a person engaged in a business or activity over
3 which the public employee has the responsibility to
4 investigate or inspect, and enforce, regulatory measures
5 necessary to the requirements of any State or federal statute
6 or regulation relating to the business or activity.

7 (b) A public employee convicted of committing
8 solicitation misconduct forfeits his or her employment. In
9 addition, he or she commits a Class A misdemeanor.

10 (c) An employee of a State agency who is discharged,
11 demoted, suspended, threatened, harassed, or in any other
12 manner discriminated against in the terms and conditions of
13 employment by a State agency because of lawful acts done by
14 the employee or on behalf of the employee or others in
15 furtherance of the enforcement of this Section shall be
16 entitled to all relief necessary to make the employee whole.

17 (d) Any person who knowingly makes a false report of
18 solicitation misconduct to the State Police, the Attorney
19 General, a State's Attorney, or any law enforcement official
20 shall be guilty of a Class C misdemeanor.

21 Section 90. Severability. The provisions of this Act
22 are severable under Section 1.31 of the Statute on Statutes.

23 Section 95. Because this Act authorizes the legislative
24 ethics commission to meet in closed session in certain
25 circumstances, in order to meet the requirements of
26 subsection (c) of Section 5 of Article IV of the Illinois
27 Constitution, for passage this Act needs a 2/3 vote of the
28 members elected to each house of the General Assembly.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law."