

LEGISLATURE
(25 ILCS 170/) Lobbyist Registration Act.

(25 ILCS 170/1) (from Ch. 63, par. 171)

Sec. 1. Short title.

This Act shall be known as the Lobbyist Registration Act.

(Source: P. A. 76-1848.)

(25 ILCS 170/2) (from Ch. 63, par. 172)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Person" means any individual, firm, partnership, committee, association, corporation, or any other organization or group of persons.

(b) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative, or administrative action, other than compensation as defined in subsection (d).

(c) "Official" means:

(1) the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller;

(2) Chiefs of Staff for officials described in item

(1);

(3) Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel;

(4) Members of the General Assembly.

(d) "Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying as defined in subsection (e).

Monies paid to members of the General Assembly by the State as remuneration for performance of their Constitutional and statutory duties as members of the General Assembly shall not constitute compensation as defined by this Act.

(e) "Lobbying" means any communication with an official of the executive or legislative branch of State government as defined in subsection (c) for the ultimate purpose of influencing executive, legislative, or administrative action.

(f) "Influencing" means any communication, action, reportable expenditure as prescribed in Section 6 or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials as defined in subsection (c).

(g) "Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

(h) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature.

(i) "Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State.

(j) "Lobbyist" means any person who undertakes to lobby State government as provided in subsection (e).

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

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

Sec. 3. Persons required to register.

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

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

(2) Any person who employs another person for the purposes of influencing executive, legislative or administrative action.

(b) It is a violation of this Act to engage in lobbying or to employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State, except upon condition that the person register and the person does in fact register within 2 business days after being employed or retained for lobbying services.

(Source: P.A. 93-615, eff. 11-19-03.)

(25 ILCS 170/3.1)

Sec. 3.1. Prohibition on serving on boards and commissions. Notwithstanding any other law of this State, on and after February 1, 2004, but not before that date, a person required to be registered under this Act, his or her spouse, and his or her immediate family members living with that person may not serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor; except that this restriction does not apply to any of the following:

(1) a registered lobbyist, his or her spouse, or any immediate family member living with the registered lobbyist, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and

(2) a registered lobbyist, his or her spouse, or any immediate family member living with the registered lobbyist, who is serving on a State advisory body that makes nonbinding recommendations to an agency of State government but does not make binding recommendations or determinations or take any other substantive action.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(25 ILCS 170/4) (from Ch. 63, par. 174)

Sec. 4. Persons not required to register. This Act is not intended and shall not be construed to apply to the following:

(a) Persons who, for the purpose of influencing executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Section 6, appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before such committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor.

(b) Persons who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station, or other bona fide news medium which in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of legislation. This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action. This exemption does not apply to newspapers and periodicals owned by or published by trade associations and profit corporations engaged primarily in endeavors other than dissemination of news.

(c) Persons performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation where such professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action.

(d) Persons who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before such committees will affect said

departments, divisions or agencies of State government.

(e) Employees of the General Assembly legislators, legislative agencies and legislative commissions.

(f) Persons who possess technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Section 6 even though receiving expense reimbursement for such occasional appearances.

(g) Any full time employee of a bona-fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.

(h) Persons who receive no compensation other than reimbursement for expenses of up to \$500 per year while engaged in lobbying State government, unless those persons make expenditures that are reportable under Section 6.

(i) Any attorney in the course of representing a client in any administrative or judicial proceeding, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Section 6.

(j) Persons who, in the scope of their employment as a vendor, offer or solicit an official for the purchase of any goods or services where (1) said solicitation is limited to either an oral inquiry or written advertisements and informative literature; or (2) said goods and services are subject to competitive bidding requirements of the Illinois Purchasing Act; or (3) said goods and services are for sale at a cost not to exceed \$5,000; and (4) such persons do not make expenditures that are reportable under Section 6.

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

(25 ILCS 170/5)

Sec. 5. Lobbyist registration and disclosure. Every person required to register under Section 3 shall before any service is performed which requires the person to register, but in any event not later than 2 business days after being employed or retained, and on or before each January 31 and July 31 thereafter, file in the Office of the Secretary of State a written statement containing the following information with respect to each person or entity employing or retaining the person required to register:

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

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

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

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

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

(c-6) The nature of the client's business, by indicating all of the following categories that apply: (1) banking and financial services, (2) manufacturing, (3) education, (4) environment, (5) healthcare, (6) insurance, (7) community interests, (8) labor, (9) public relations or advertising, (10) marketing or sales, (11) hospitality, (12) engineering, (13) information or technology products or services, (14) social services, (15) public utilities, (16) racing or wagering, (17) real estate or construction, (18) telecommunications, (19) trade or professional association, (20) travel or tourism, (21) transportation, and (22) other (setting forth the nature of that other business).

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

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

Persons required to register under this Act prior to July 1, 2003, shall remit a single, annual and nonrefundable \$50 registration fee. All fees collected for registrations prior to July 1, 2003, shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act. Beginning July 1, 2003, all persons other than entities qualified under Section 501(c)(3) of the Internal Revenue Code required to register under this Act shall remit a single, annual, and nonrefundable \$350 registration fee. Entities required to register under this Act which are qualified under Section 501(c)(3) of the Internal Revenue Code shall remit a single, annual, and nonrefundable \$150 registration fee. Each individual required to register under this Act shall submit, on an annual basis, a picture of the registrant. A registrant may, in lieu of submitting a picture on an annual basis, authorize the Secretary of State to use any photo identification available in any database maintained by the Secretary of State for other purposes. Of each registration fee collected for registrations on or after July 1, 2003, \$50 shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act and is intended to be used to implement and maintain electronic filing of reports under this Act, the next \$100 shall be deposited into the Lobbyist Registration Administration Fund for administration and enforcement of this Act, and any balance shall be deposited into the General Revenue Fund.

(Source: P.A. 93-32, eff. 7-1-03; 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

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

Sec. 6. Reports.

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

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

Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A registrant who terminates employment or duties which required him to register under this Act shall give the Secretary of State, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the expenditures described herein, covering the period of time since the filing of his last report to the date of termination of employment. Such notice and report shall be final and relieve such registrant of further reporting under this Act, unless and until he later takes employment or assumes duties requiring him to again register under this Act.

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

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

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

(Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

(25 ILCS 170/6.5)

Sec. 6.5. Response to report by official.

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

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

(Source: P.A. 93-244, eff. 1-1-04; 93-615, eff. 11-19-03.)

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

Sec. 7. Duties of the Secretary of State.

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

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

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

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

Not later than 12 months after the effective date of this amendatory Act of the 93rd General Assembly, the Secretary of State shall include registrants' pictures when publishing or posting on his or her website the information required in Section 5.

(Source: P.A. 93-615, eff. 11-19-03.)

(25 ILCS 170/8) (from Ch. 63, par. 178)

Sec. 8. Contingent fees prohibited. No person shall retain or employ another to lobby with respect to any legislative, executive, or administrative action for compensation contingent in whole or in part upon the outcome of the action and no person shall accept any such employment or render any such service for compensation contingent upon the outcome of the legislative, executive, or administrative action.

(Source: P.A. 93-889, eff. 8-9-04.)

(25 ILCS 170/9) (from Ch. 63, par. 179)

Sec. 9. Nothing in this Act shall be construed to infringe in any way the right of a citizen to lawfully petition a member of the General Assembly or any other public official as guaranteed in the Constitution of the State of Illinois.

(Source: P. A. 76-1848.)

(25 ILCS 170/10) (from Ch. 63, par. 180)

Sec. 10. Penalties.

(a) Any person who violates any of the provisions of this Act shall be guilty of a business offense and shall be fined not more than \$10,000.

(b) In addition to the penalties provided for in subsection (a) of this Section, any person convicted of any violation of any provision of this Act is prohibited for a period of three years from the date of such conviction from lobbying.

(c) There is created in the State treasury a special fund to be known as the Lobbyist Registration Administration Fund. All fines collected in the enforcement of this Section shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Office of the Secretary of State for implementation and administration of this Act.

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

(25 ILCS 170/11) (from Ch. 63, par. 181)

Sec. 11. Venue.

Any violation of this Act may be prosecuted in the county where the offense is committed or in Sangamon County. In addition to the State's Attorney of the appropriate county, the Attorney General of Illinois also is authorized to prosecute any violation of this Act.

(Source: P. A. 76-1848.)

(25 ILCS 170/11.2)

Sec. 11.2. Local regulation. A unit of local government or school district may adopt an ordinance or resolution regulating lobbying activities with that unit of local government or school district that imposes requirements similar to those imposed by this Act.

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

(25 ILCS 170/12) (from Ch. 63, par. 182)

Sec. 12. Severability clause. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

(Source: P. A. 76-1848.)