

State Law Resources

Illinois: Lobbying Disclosure

Disclosure

These resources are current as of 11/17/20. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

WHAT'S IN THIS GUIDE

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

Note: *Lobbying by Nonprofits in Illinois:* Non-profit organizations that engage in lobbying must register and file semi-monthly reports with the Illinois Secretary of State. Illinois defines lobbying as any contact with a covered state official for the purpose of influencing executive, legislative or administrative action or goodwill with covered officials. Illinois does not regulate grass-roots lobbying.

A nonprofit organization that registers as a lobbyist must list any employee(s) or paid outside lobbyists that engage in lobbying communications on behalf of the organization. The employee(s) are NOT required to file registrations or reports separate of their employer. More details are below.

Nonprofits that lobby local jurisdictions must check and comply with local lobbying registration and disclosure laws as well. [Chicago's lobbying law for nonprofits](#) has been delayed until January, 2021. Some of the local jurisdictions that require lobbyists to register: Chicago, Cook & Dupage County, and Highland Park.

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Definitions

Lobbying

Any communication with a covered official of the executive or legislative branch of State government for the purpose of “influencing... executive, legislative, or administrative action.” 25 ILCS 170/2.

An entity that prepares information or materials for dissemination by a lobbying entity, such as a communications or public relations firm, would not be required to register as a lobbyist unless that firm also communicates the lobbying materials to a the executive or legislative branch of State government.

Covered Official

- Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller;
- Chiefs of Staff for those officials;
- Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel;
- Members of the General Assembly; and
- Members of boards, commissioners, authorities or task forces established by law or executive order.

Influencing

Any communication, action, reportable expenditure...or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials. 25 ILCS 170/2.

Executive Action

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. 25 ILCS 170/2.

Legislative Action

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. 25 ILCS 170/2.

Administrative Action

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. 25 ILCS 170/2.

Expenditure

A payment, distribution, loan, advance, deposit, or gift of money or anything of value, including a contract or promise to make an expenditure for the purpose of influencing governmental action. 25 ILCS 170/2.

Client

Any person that provides compensation to a lobbyist. 25 ILCS 170/2.

Client Registrant

A client required to register under the Act. 25 ILCS 170/2.

Lobbyist

Any individual engaging in lobbying is required to register as a lobbyist except:

- Anyone who does not receive compensation (other than reimbursement for expenses of up to \$500 per year) and who does not make reportable expenditures.
- Anyone who, without compensation, appears as a witness before a legislative committee, or seeks the approval or veto of any legislation by the Governor, provided that the person does not make any reportable expenditures.
- News media personnel, such as newspaper, magazines, radio, or television in the dissemination of news, editorial or other comment, or paid advertisements.
- Anyone performing professional services such as drafting bills or rendering opinions regarding the construction and effect of proposed or pending legislation.
- State employees appearing before legislative committees for the purpose of explaining how legislation will affect their departments of State government, and officials or employees of local government or school districts.
- People with technical expertise helpful to officials when considering such official action, provided that the person make only occasional appearances and the person does not make any reportable expenditures.

- Full-time employees of a church or religious organization protecting the right of the members thereof to practice the religious doctrines of such church or religious organization.
- Attorneys representing clients in administrative or judicial proceedings.
- Vendors offering the sale of goods or services where: (1) solicitation is limited to either an oral inquiry or written advertisements and informative literature; or (2) the goods and services are subject to competitive bidding under the Illinois Purchasing Act; or (3) the goods or services cost not more than \$5,000; and (4) the vender does not make reportable expenditures. 25 ILCS 170/3.

Overview

Lobbying by Nonprofit Organizations

Nonprofit organizations that are permitted to lobby under federal tax law are treated the same under Illinois law as other lobbying entities. For example, nonprofit organizations and their employees that engage in lobbying must register with the Illinois Secretary of State. The nonprofit organization must do so no later than 2 days after an employee or paid lobbyist makes their first lobbying contact, on behalf of the organization, with a covered state official for the purpose of influencing executive, legislative or administrative action or goodwill with covered officials.

A nonprofit organization that registers as a lobbyist must list any employee(s) or paid outside lobbyists that engage in lobbying communications on behalf of the organization. The employee(s) are NOT required to file registrations or reports separate of their employer.

Grassroots Lobbying

Illinois does not regulate communications with the public that urges the public to contact their elected officials for the purpose of influencing executive, legislative or administrative action.

Registration and Reporting

The rules for complying with Illinois lobbying registration and reporting are below.

Registration

Registration for Lobbyists

Any individual engaging in lobbying is required to register as a “lobbyist” with the Illinois Secretary of State prior to engaging in any lobbying, but in any event no later than 2 days of commencing lobbying activity, and must re-register annually thereafter (on or before January 31). 25 ILCS 170/5.

Registration must be done electronically through the Illinois Secretary of State website at <https://www.cyberdriveillinois.com/departments/index/lobbyist/lobintro.html>. Lobbyist registration reports are made available to the public.

Registration statements must contain the following information:

- the registrant’s name, photograph, address, e-mail address, fax number, and telephone number;
- the name of each person associated with the registrant who will be lobbying;
- the name, address, phone and fax number of each client;
- if the client is also a lobbyist, the statement must also include the name and address of the lobbyist’s clients for whom the lobbyist will be performing services.
- a brief description of the executive, legislative, or administrative action in reference to which such service is to be rendered;
- each executive and legislative branch agency the lobbyist expects to lobby during the registration period;
- the nature of the client’s business according to the following categories:
 - (a) banking and financial services, (b) manufacturing, (c) education, (d) environment, (e) healthcare, (f) insurance, (g) community interests, (h) labor, (i) public relations or advertising, (j) marketing or sales, (k) hospitality, (l) engineering, (m) information or technology products or services, (n) social services, (o) public utilities, (p) racing or wagering, (q) real estate or construction, (r) telecommunications, (s) trade or professional association, (t) travel or tourism, (u) transportation, and (v) or a specified “other.”

Registration statements must also contain confirmation that the lobbyist has completed the sexual harassment training described below.

In December, 2019, Governor J.B. Pritzker signed legislation requiring lobbyists’ registration statements to also include the name and address of any sub-registrants (lobbyists employed by the registrant), and any clients on whose behalf the sub-registrant will work.

The 2019 legislation further requires each lobbyist registration statement to identify each unit of local government with which the lobbyist has registered as a lobbyist, and to identify each elective or appointive office that the lobbyist holds. IL SB 1639. 25 ILCS 170/5.

Registrants have an ongoing obligation to report any substantial changes or additions to their registration information. This includes when a registrant terminates lobbying activity on behalf of a client.

FEE

Each lobbyist must pay an annual \$300 registration fee. There is no longer a reduced registration fee for 501(c)(3) organizations; nonprofits must pay the regular registration fee.

Registration for Principals

Any person who employs a lobbyist must also register with the Secretary of State as a “lobbying entity.” 25 ILCS 170/3. The registration must be done electronically through the Secretary of State’s website: <https://www.ilsos.gov/lobbyistweb/>.

Reporting

Lobbyists must submit semimonthly expenditure reports. Reports covering the 1st through 15th of each month must be filed by the 20th of the month and reports covering the 16th to the end of the month by the 5th of the following month. 25 ILCS 170/6.

The entity required to file expenditure reports depends on who made the reportable expenditures:

- For expenditures made by a registered entity or that entity's exclusive lobbyist, the entity is to file reports.
- For expenditures made by a contractual lobbying entity, and the expenditures were not reimbursed by a client, the contractual lobbying entity is to file reports.
- For expenditures made by a contractual lobbying entity, and the expenditures were reimbursed by a client, the client is to file reports.
- For expenditures made on behalf of a client, if the client is another lobbyist, the report must also include the name and address of that lobbyist's client on whose behalf the expenditure was made. P.A. 98-549.

The reports must itemize each expenditure, include the name of the official on whose behalf the expenditure was made, a description of the expenditure, the address and location of the expenditure if the expenditure was for an intangible item such as lodging, 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. 25 ILCS 170/6. The definition of expenditure is broadly defined to include any payment made for support lobbying activity.

The report must also include the names and addresses of all the lobbyist's clients and an itemized description for each client of the following:

- Lobbying regarding executive action, including the name of any executive agency lobbied and the subject matter;
- lobbying regarding legislative action, including the General Assembly and any other agencies lobbied and the subject matter; and
- lobbying regarding administrative action, including the agency lobbied and the subject matter.

Lobbyists who make no "reportable expenditures" during a reporting period must nonetheless file a report stating that no expenditures were incurred. 25 ILCS 170/6.

All reports must be filed electronically.

Expenditures must be reported according to the following categories: (1) travel and lodging, (2) meals, beverages and other entertainment, (3) gifts; (4) honoraria; and (5) any other expenditure not covered by the previous categories. Each individual expenditure required to be reported shall include all expenses made for State officials and their immediate family members. 25 ILCS 170/6.

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. 25 ILCS 170/6.

The following expenditures are not required to be reported:

- Campaign contributions;
- Lobbyist's personal expenses; which include personal sustenance, lodging, travel, office expenses and clerical or support staff
- Office, clerical or support staff expenses;
- Salary, fees and other compensation paid to registrant for lobbying; and
- Expenditures made on behalf of an official that are returned or reimbursed prior to the filing deadline for submission of the report. 25 ILCS 170/6.

Notice to Elected Officials

Whenever a lobbyist makes an expenditure on behalf of an official, the lobbyist must "contemporaneously" notify the official of the reporting requirement. 25 ILCS 170/6.5. If the official returns or reimburses the lobbyist for the amount, it need not be reported

The December 2019 legislation also requires the Secretary of State to create a searchable data base that includes the lobbyists' disclosure reports, political contributions made by registered lobbyists and Statements of Economic Interests filed by elected officials and employees.

Lobbying Restrictions

Time Restrictions on Lobbying

There are no time restrictions on lobbying.

Identification of Lobbyists

Lobbyists are not required to wear a badge or other identification. By choice, their photographs may be posted on the Secretary of State website. Lobbyists are permitted to obtain an identification card from the Secretary of State's office that allows them to bypass certain security measures when entering the Capitol complex.

Gifts

State officials and employees may not solicit or accept any gift from any "prohibited" source. Note that this ban applies to all State employees, not just "covered officials." The ban also includes the spouses of and family living with the official or employee. 5 ILCS 430/10-10.

A "Prohibited Source" means any person or entity who:

- seeks official action by a State official or employee;
- does business or seeks to do business with a State official or employee;
- conducts activities regulated by the official or employee;
- has interests that may be substantially affected by the duties of the official or employee;
- is required to be registered as a lobbyist; or
- is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source."

Exemptions from the Gift Ban are:

- benefits and services that are available on the same conditions for the general public;
- anything for which the official or employee pays the marketed value;
- campaign contributions;
- educational materials and missions;
- travel expenses for a meeting to discuss state business;

- a gift from a relative, meaning parents, siblings, children, cousins and in-laws;
- anything provided on the basis of a personal friendship unless the official or employee believe that the gift was provided because of the official position or employment;
- food or refreshments not exceeding \$75 per person on a calendar day;
- food, refreshments, lodging, transportation, and other benefits
- resulting from the outside business or employment of the official or employee
- intra-governmental and inter-governmental gifts;
- bequests, inheritances, and other transfers at death;
- any items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. 5 ILCS 430/10-15.

Ethics Training

As of January 2010, each lobbyist must now complete a program of ethics training provided by the Secretary of State. Lobbyists must complete the training program during each calendar year the person remains registered. The Secretary of State is empowered to use the ethics training provided to State officials and employees, but the training must also include appropriate information about the requirements and responsibilities of the Lobbyist Registration Act. 25 ILCS 170/4.5.

SEXUAL HARASSMENT TRAINING

Each lobbying entity must have a written sexual harassment policy that includes: (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employee Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

Beginning in 2019, each lobbyist must also complete a sexual harassment training session prepared by the office of the Secretary of State within 30 days of registering, or renewing, as a lobbyist. 25 ILCS 17-/4.7. Beginning in 2020, this requirement does not apply to lobbyists who either (a) who do not have employees registered as lobbyists; or (b) do not have an actual presence in Illinois. Id.

Contingent Fees

Lobbyist may not work on a contingent fee basis. 25 ILCS 170/8.

Revolving Door

Any State official or employee who participated in the award of contracts or procurements worth more than \$25,000 during his or her last year of service may **not** accept employment with an entity that was awarded contracts with more than \$25,000. Similarly, an employee involved in a regulatory decision affecting an entity may not accept employment with that entity for at least one year after termination of State employment.

Service on Boards and Commissions

Neither a lobbyist nor his or her spouse or immediate family members living with the lobbyist may serve on any State board, commission, authority, or task force that makes binding determination or takes substantive action, unless the person holds elective public office. 25 ILCS 170/3.1.

Enforcement

Complaints

The Secretary of State's Inspector General receives and investigates allegations of violations of the Lobbyist Registration Act. 25 ILCS 170/11.

Penalties

A violation of the Act is a business offense punishable by a fine of up to \$10,000 for per violation. Every day that a report or registration is late is a separate violation. In determining the appropriate fine, the scope of the entire lobbying project, the nature of activities conducted during the time of the violation, and whether or not the violation was intentional or unreasonable are to be considered. In addition, any person convicted of any violation of any provision of this Act is prohibited from lobbying for three years. 25 ILCS 170/10.

Enforcement Venue

If the Inspector General finds credible evidence of a violation, he or she shall make the information available to the public and transmit copies of the evidence to the alleged violator. If the violator does not correct the violation within 30 days, the Inspector General transmits the full record of the investigation to any appropriate State's Attorney or to the Attorney General. Alleged violations may be prosecuted in the county where the offense is committed or in Sangamon County (where the State Capitol is located). 25 ILCS 170/11.

Contact Information for State and Local Agencies

Lobbying is regulated by the Illinois Secretary of State Index Department

Illinois Secretary of State Index Department

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

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