

## **2022 Lobbyist Registration & Expenditure Reporting**

### **New Mandates for Lobbying Entities and Lobbyists**

**ACCESS TO 2022 REGISTRATION WILL BE AVAILABLE ON JANUARY 3, 2022, THE FIRST BUSINESS DAY OF 2022.**

Public Act 102-664/Senate Bill 539 enacts significant changes to the Lobbyist Registration Act and to the processes of registering lobbying entities and lobbyists, and the filing of expenditure reports.

Registrants will benefit from reviewing the new public act, administrative rules at [www.ilga.gov](http://www.ilga.gov), and online instructions at [www.ilsos.gov](http://www.ilsos.gov); Index Department webpage where you can review the Expenditure Filing Guide and the Registration Guide, both of which are not as yet updated for the amendments in 2021. Information below and included in the registration and expenditure reporting web screens will provide all the information necessary to comply with 2022 requirements.

#### **LOCAL GOVERNMENTS IMPACTED BY NEW LAWS**

PA102-664 expands the scope of the state lobbying provisions in the Lobbyist Registration Act (25 ILCS 170) that impact lobbyist relationships with local governments.

The definition of “Officials” now also includes:

- Mayors, presidents, aldermen, commissioners and trustees of a city, village or town;
- County board members and countywide elected officials;
- Township board members and township elected officials;
- Members of any board, commission, authority or task force, that has the authority to make binding recommendations or determinations, created by a local ordinance or order of a mayor, or village or town president;

Any individual or entity that performs lobbying activity at the State, county, township or municipality level, with the exception of those only lobbying the City of Chicago, must register with the Secretary of State.

Any lobbyist that makes an expenditure benefitting an “official” of these local governments must report such expenditure in accordance with Section 6 of the Act.

No unit of local government, including home rule units, with the exception of municipalities of a population over 500,000, may regulate lobbying in a manner inconsistent with the Illinois

Lobbyist Registration Act. All existing local government laws and ordinances that are inconsistent with this Act are superseded by PA102-664.

As a result of the amendatory language of PA102-664, any lobbying entity that registers with the Secretary of State, must declare each unit of local government, including school districts and community colleges, it expects to lobby during the registration period. Further, any lobbying entity that is retained by a local government must list the local government as a client when filing or amending its registration statement.

### CONSULTANTS REQUIRED TO BE IDENTIFIED AND REPORT EXPENDITURES

“Consultant” is defined as any natural person or entity who for compensation, provides advisory services, including but not limited to rendering opinions on or developing strategies for lobbying or influencing, to a lobbyist or lobbying entity for the ultimate purpose of influencing executive, legislative or administrative action. In other words, a consultant shall not communicate, as would a lobbyist.

“Consultant” does not include:

- An employee of any lobbyist or lobbying entity;
- A registered lobbyist;
- An attorney or law firm providing legal services associated with the legislative process.

Consultants are limited in their communications with officials on behalf of their client. They shall not have communications about the substantive nature of legislative or executive action. When a consultant’s communication advocates for the ultimate purpose of influencing government action, which supports the definition of lobbying, or makes expenditures on behalf of, or benefiting an official, the consultant must register as a lobbyist within 2 business days of the communication or expenditure, after which he or she shall not be retained as a consultant for the period of registration.

Any registrant that retains a consultant shall identify such individual or firm, by name and address, in the lobbying entity’s registration statement. Index Department will assume the consultant is eligible to provide services for any client. The lobbying entity will identify whether the consultant provides services for administrative, executive and legislative branch agencies.

Every lobbying entity employing a consultant shall report expenditures related to the performance of services to the entity. Reportable expenses made by an employee of the consultant shall be reported as if made by the consultant. A consultant shall report such expenses to the employing entity, on a timely basis, in order to be included in the semi-monthly expenditure report.

Consultant expenditures for personal travel, lodging, meals and office expenses are exempt from reporting. Expenses associated with disclosures to State and local election authorities are also exempt from reporting. All other expenditures are reportable.

Expenditure information required is: name of consultant, and the date, amount and description of the expenditure. The space available for expenditure is limited so logical abbreviations are acceptable. If additional space is needed to complete an expenditure report, an amendment to the report may be used.

## ETHICS TRAINING AND SEXUAL HARASSMENT/DISCRIMINATION TRAINING

Before any lobbyist's registration is deemed complete, the requirements for ethics and sexual harassment/discrimination training must be fulfilled immediately as part of the registration (*\*there is NO 30-day grace period*). Lobbying activity performed prior to completing the required trainings is a violation of the Act. Any individual who has not completed the trainings during the registration period will be blocked from registering in subsequent years.

Lobbyist ID badges will not be issued until the lobbyist has reviewed the trainings, which completes the registration process.

Each lobbyist, upon registration by his or her employer will receive a notice to complete the Ethics Training and Sexual Harassment/Discrimination Training. The notice will include instructions on how to access the training sessions on our website.

The Secretary of State, members of the press, competing lobbyists and possibly inspectors general will share an interest in monitoring the compliance of lobbyists with regard to this revised mandate. It will be prudent, therefore, that both trainings be completed promptly.

If you have questions about the amendments to the Act or about the registration and expenditure reporting process, please send your questions to [eLobbyist@ilsos.gov](mailto:eLobbyist@ilsos.gov).