

Illinois State Lobbying Law to Apply to Localities and Other Notable Changes

November 2021

On October 8, the Illinois governor signed SB0539, which will significantly amend the state's lobbying law effective January 1, 2022.

Most notably, state lobbying law will now apply to all local jurisdictions with populations of 500,000 or less. Effectively, only the City of Chicago's lobbying law will not be preempted. This means that lobbying officials at the municipal, county, or township government level, including mayors, may now trigger state lobbyist registration and reporting. Registrants should be aware that local lobbying expenditures will now be reportable on state reports.

Additionally, registrants are now required to list retained "consultants" on their registrations, and must also disclose reportable lobbying expenditures made by the consultant for the lobbying entity. "Consultant" means "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 influence any executive, legislative, or administrative action." The term excludes employees of lobbyists and lobbyist entities, as well as attorneys and law firms providing legal services. The new law explicitly confirms that consultants who lobby must themselves register as lobbyists.

Lobbyists must now complete their ethics and anti-sexual harassment training programs before registration is deemed complete, whereas before they had 30 days after registering to do so.

Authors

Carol A. Laham
Partner
202.719.7301
claham@wiley.law
Hannah J. Miller
Associate
202.719.3573
hmiller@wiley.law

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Finally, the new law amends the definition of lobbying to include “the soliciting of others to communicate.” While this language is typically used to regulate indirect, or grassroots, lobbying, Illinois continues to separately define “Grass Roots Lobbying Communications” by regulation. The state has not indicated how it will reconcile the new definition of lobbying with the current grassroots lobbying regulation, although, on its face, the definition of lobbying has been expanded in the statute. Wiley will continue to monitor any further developments related to the state’s regulation of grassroots lobbying activity.

Wiley’s Election Law & Government Ethics Practice frequently counsels clients on state and local lobbying compliance, and publishes an annual State Lobbying and Gift Law Guide. For information on how to subscribe to the Survey, please contact lobbygiftguide@wiley.law.