



Political Law Alert

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Illinois Adds Sexual Harassment Prohibition, Training and Policy Requirements to Lobbyist Registration Act

On November 16, 2017, Illinois Gov. Bruce Rauner signed SB 402, which makes certain amendments to the Illinois Lobbyist Registration Act (the act). The relevant revisions to the law:

- prohibit sexual harassment;
- require lobbyists to undergo annual sexual harassment training; and
- require registrants to maintain a sexual harassment policy.

Most significantly, as discussed in more detail below, a company makes itself subject to Illinois jurisdiction with respect to sexual harassment claims by registering under the act.

The law raises a number of issues of scope and implementation, which potentially will be clarified by the Illinois secretary of state, who is required by the law to adopt emergency rules within 60 days of the law's effective date. We are monitoring the rulemaking and will provide any updates that affect the implementation of the provisions summarized here.

Prohibition Against Sexual Harassment

Effective immediately, the amendments prohibit all persons subject to the act from engaging in sexual harassment of any person. Please note that the law does not expressly limit jurisdiction to acts occurring in Illinois or involving Illinois persons. The act requires any natural person who lobbies to register, as well as any person who employs or compensates a lobbyist or lobbying firm.

The law also grants the secretary of state's inspector general the authority to review allegations that an individual required to be registered under the act has engaged in sexual harassment.

Training

Beginning January 1, 2018, each natural person required to register as a lobbyist under the act must annually complete a sexual harassment training program provided by the Illinois secretary of state. The lobbyist must complete the training program no later than 30 days after registration or renewal. Please note that Illinois already requires lobbyists

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to annually complete an ethics training course provided online, however the secretary of state's rulemaking may clarify whether the new sexual harassment training will be incorporated into the pre-existing program.

The plain language of the amendments includes an exemption from the training requirement for "a lobbying entity or a client that hires a lobbyist that (i) does not have employees of the lobbying entity or client registered as lobbyists, or (ii) does not have an actual presence in Illinois." This exemption is somewhat unclear, but could be interpreted to suggest that Illinois may require the company employing a lobbyist to complete the training despite language applying the requirement only to "natural persons required to register as a lobbyist."

Sexual Harassment Policy

No later than January 1, 2018, each natural person and entity required to register under the act must have a written sexual harassment policy that includes:

- a prohibition on sexual harassment;
- details on how an individual can report an allegation of sexual harassment;
- a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under state law;

- the consequences of a violation of the prohibition on sexual harassment; and
- the consequences for knowingly making a false report.

This requirement's scope, which is not limited to legal entities, raises questions as to whether and how individuals registered under the Act should maintain a policy.

In addition, each registrant must include with their registration a confirmation that:

- the registrant has such a sexual harassment policy;
- the policy will be made available to any individual within two business days upon written request (including electronic requests);
- any person may contact the authorized agent of the registrant (defined by the act as the person designated by a registered entity or lobbyist as the person responsible for submission and retention of reports required under the act) to report allegations of sexual harassment; and
- the registrant recognizes the inspector general has jurisdiction to review any allegations of sexual harassment alleged against the registrant or lobbyists hired by the registrant.

The amendments are available [here](#).

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