

ILLINOIS REGISTER

STATE BOARD OF ELECTIONS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 100

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AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796,

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effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. _____, effective January 1, 2009, for a maximum of 150 days.

**Section 100.180 Business Entity Registration Procedures
EMERGENCY**

The State Board of Elections adopts the following emergency rulemaking to comply with the spirit of Public Act 95-971 to the fullest extent possible. With the understanding that the Act requires the electronic registration of business entities that have existing State contracts whose value exceeds \$50,000 in aggregate, or that submit bids or proposals for State contracts whose value exceeds \$50,000 in aggregate, or a combination of the two, the Board is implementing a temporary filing system by which such entities must file the required registration forms provided by the Board via e-mail attachment in a PDF file or other type of mail service and receive registration certificates via e-mail or on paper from the Board. Upon completion of the electronic registration system required by the Act, the Board will accept registrations exclusively by electronic means and issue the certificate of registration electronically as well.

- a) For purposes of this Section, the terms "business entity", "State contract", "affiliated entity" and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37].
- b) No later than February 2, 2009, business entities whose existing State contracts have an aggregate value in excess of \$50,000, or whose aggregate bids and proposals on State contracts, either separately or combined with existing State contracts, exceed \$50,000 in value, shall register with the State Board of Elections by transmitting a registration form provided by the Board (see Appendix A) in an e-mail attachment using a PDF file. The transmission shall be sent to a dedicated e-mail address to be provided by the Board. The registration form shall then be stored electronically and may be viewed by interested persons pursuant to subsection (n) or downloaded and printed as a paper copy if requested by the viewer. The transmitted form must contain a scanned original signature of the authorized business entity representative. In the alternative, the business entity may file the form in one of the two following ways:
 - 1) On a paper form provided by the Board. (See Appendix A.)

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- 2) Using a form contained on the Board's website (www.elections.il.gov) that the registrant can fill out while accessing the website, printing out the completed form.
- c) The provisions of subsection (b) shall also apply to those business entities who intend to submit bids or proposals on State contracts valued in excess of \$50,000. However their registration with the Board must occur prior to the submission of the bid or proposal. The business entities shall include with the bid or proposal the certificate of registration referred to in subsection (d).
- d) Upon receipt of the form described in subsection (b), the Board shall provide a stamped copy of the form to the business entity, either by e-mail or first class mail. The stamped copy is deemed to be the certificate of registration that is to be submitted to the applicable chief procurement officer as provided in Section 20-160(c) of the Illinois Procurement Code. The stamped copy of the form will be transmitted or sent to the business entity within 2 business days after receipt of the registration by the Board.
- e) A copy of the form shall be provided by the business entity to any affiliated person or affiliated entity of the business entity by e-mail, first class mail or hand delivery within 10 days following the registration. The failure to timely provide this notice is a business offense and shall subject the business entity to a civil penalty not to exceed \$1,001. Complaints for violations of this subsection shall be resolved in the same manner as those referred to in subsection (j).
- f) Business entities that are required to register with the Board pursuant to Section 20-160 of the Procurement Code shall notify any political committee to which it makes a contribution that it is registered with the Board. Any affiliated person or affiliated entity of the business entity that makes a contribution to any political committee shall also notify that committee of its affiliation with the business entity.
- g) A business entity whose aggregate bids and proposals on State contracts exceed \$50,000 has a continuing duty to update the information provided on its registration form, and the update must be submitted to the Board by e-mail or in paper form within 2 business days following the change in information.
- h) Registration Form
 - 1) The registration form must contain the following information:

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- A) The name and address of the business entity.
 - B) The name and address of any affiliated entity of the business entity, including a description of the affiliation.
 - C) The name and address of any affiliated person of the business entity, including a description of the affiliation.
 - D) The original signature or original scanned signature of the agent or business entity representative who shall be a person who has authority to act on behalf of the business entity.
 - E) The Federal Tax Identification Number assigned to the business entity by the Internal Revenue Service.
- 2) Items in subsection (h)(1)(B) and (C) may be submitted on a CD Rom, along with a duplicate copy. The information shall be in Microsoft Word compatible format and must not be password protected.
- i) The provisions of Article 9 relating to complaints for violations of that Article shall apply to complaints for violations of Section 9-35, specifically, but not limited to Section 9-35(d) (failure to notify affiliated persons and entities of a business entity that the business entity is registered with the Board) and 9-35(e) (failure to update a registration and intentional, willful or material failure to disclose information required for registration). In addition to third parties, the Board is authorized to initiate a complaint pursuant to this subsection.
 - j) Failure to update a registration pursuant to Section 20-160(d) and (e) of the Illinois Procurement Code, which requires that any change in information must be reported to the Board within 2 business days after the change, will result in a \$1,000 per day penalty for each day the information remains unreported. Recognizing the fact that this 2-day reporting period is premised upon an electronic system in which the changes are reported electronically, and the fact that under this Section any updates to the registration would be reported to the Board via e-mail or on paper via hand delivery or mail, in the event of a complaint for failing to timely report an update, the Board will take into consideration the method of reporting the change when determining whether a violation has occurred.

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- k) Willful or intentional failure by a business entity to disclose material information on its registration shall subject the entity to a civil penalty assessed by the Board not to exceed \$5,000.
- l) Upon the establishment of a fully functional and statutorily compliant electronic registration system, business entities will be required to submit their registrations electronically consistent with Section 9-35 of the Act. Within 60 days after establishment of the electronic system, all business entities that have submitted their registrations via e-mail attachment and paper copy pursuant to this Section shall re-submit their registration electronically. At the time of re-submission, the Board shall provide an electronic certificate of registration to the business entity.
- m) The Board will retain the stored registrations submitted by business entities for a period of at least 6 months following the establishment of the electronic registration system referred to in subsection (l).
- n) The public may view the registration submissions of business entities at the Board's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to the Board shall also be available for public inspection at the Board's principal office in Springfield.

(Source: Added by emergency rulemaking at 33 Ill. Reg. _____, effective January 1, 2009, for a maximum of 150 days)

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NAME OF BUSINESS ENTITY		FEDERAL TAX IDENTIFICATION NUMBER:
2.	AFFILIATED PERSON: [List all affiliated persons as defined in 30 ILCS 50-37(a) of the Illinois Procurement Code] NAME: IS THE AFFILIATED PERSON UNDER 18 YEARS OF AGE? YES <input type="checkbox"/> NO <input type="checkbox"/> RESIDENTIAL STREET ADDRESS: RESIDENTIAL CITY: RESIDENTIAL STATE: RESIDENTIAL ZIP CODE: NATURE OF AFFILIATION: NAME: IS THE AFFILIATED PERSON UNDER 18 YEARS OF AGE? YES <input type="checkbox"/> NO <input type="checkbox"/> RESIDENTIAL STREET ADDRESS: RESIDENTIAL CITY: RESIDENTIAL STATE: RESIDENTIAL ZIP CODE: NATURE OF AFFILIATION: NAME: IS THE AFFILIATED PERSON UNDER 18 YEARS OF AGE? YES <input type="checkbox"/> NO <input type="checkbox"/> RESIDENTIAL STREET ADDRESS: RESIDENTIAL CITY: RESIDENTIAL STATE: RESIDENTIAL ZIP CODE: NATURE OF AFFILIATION:	

*IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS.

VERIFICATION OF ACCURACY

I DECLARE THAT THIS CERTIFICATE OF REGISTRATION (INCLUDING ALL AFFILIATED BUSINESSES AND AFFILIATED PERSONS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE CERTIFICATE OF REGISTRATION AS REQUIRED BY ARTICLE 9-35 OF THE ELECTION CODE. I UNDERSTAND THAT A COPY OF THIS CERTIFICATE WILL BE PROVIDED TO EACH AFFILIATED ENTITY AND EACH AFFILIATED PERSON WITHIN 10 BUSINESS DAYS OF REGISTRATION. VIOLATION OF THIS REQUIREMENT IS SUBJECT TO A FINE NOT TO EXCEED \$1001. I UNDERSTAND ANY CHANGE IN THE INFORMATION PROVIDED IN THIS REGISTRATION SHALL BE REPORTED TO THE ILLINOIS STATE BOARD OF ELECTIONS WITHIN 2 BUSINESS DAYS (10 BUSINESS DAYS FOR BUSINESSES WITH EXISTING STATE CONTRACTS). FAILURE TO DO SO IS SUBJECT TO A CONTINUING PENALTY OF \$1000 PER DAY.

PRINTED NAME AND SIGNATURE OF BUSINESS ENTITY AGENT

DATE

THE ILLINOIS STATE BOARD OF ELECTIONS REQUIRES A CERTIFICATE OF REGISTRATION IF YOU QUALIFY AS A BUSINESS ENTITY, AFFILIATE OF A BUSINESS ENTITY, OR AN AFFILIATED PERSON OF A BUSINESS ENTITY AS OUTLINED UNDER PUBLIC ACT 95-0971. WILLFUL FAILURE TO FILE OR WILLFUL FILING OF FALSE OR INCOMPLETE INFORMATION REQUIRED BY THIS ARTICLE SHALL CONSTITUTE A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000 PER DAY. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT. THIS FORM IS AUTHORIZED BY PUBLIC ACT 95-0971 AND IS REQUIRED FOR BUSINESS ENTITIES COVERED BY THE ACT. FAILURE TO COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE ACT MAY RESULT IN ANY CONTRACT BETWEEN THE STATE AND SUCH BUSINESS ENTITY BEING VOIDED, OR ANY BID OR PROPOSAL BEING REJECTED.

BUSINESS ENTITIES FILE THIS FORM AT:
STATE BOARD OF ELECTIONS
1020 S SPRING ST
SPRINGFIELD, IL 62704-2924

(Source: Added by emergency rulemaking at 33 Ill. Reg. _____, effective January 1, 2009, for a maximum of 150 days)