

HB4395



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4395

by Rep. Chad Hays

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-108

Amends the Illinois Governmental Ethics Act. Removes the prohibition on a candidate for elective office who is required to file a statement of economic interests in relation to his or her candidacy from using the Internet to file his or her statement of economic interests.

LRB100 17252 RJF 32411 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-108 as follows:

6 (5 ILCS 420/4A-108)

7 Sec. 4A-108. Internet-based systems of filing.

8 (a) Notwithstanding any other provision of this Act or any
9 other law, the Secretary of State and county clerks are
10 authorized to institute an Internet-based system for the filing
11 of statements of economic interests in their offices. With
12 respect to county clerk systems, the determination to institute
13 such a system shall be in the sole discretion of the county
14 clerk and shall meet the requirements set out in this Section.
15 With respect to a Secretary of State system, the determination
16 to institute such a system shall be in the sole discretion of
17 the Secretary of State and shall meet the requirements set out
18 in this Section and those Sections of the State Officials and
19 Employees Ethics Act requiring ethics officer review prior to
20 filing. The system shall be capable of allowing an ethics
21 officer to approve a statement of economic interests and shall
22 include a means to amend a statement of economic interests.
23 When this Section does not modify or remove the requirements

1 set forth elsewhere in this Article, those requirements shall
2 apply to any system of Internet-based filing authorized by this
3 Section. When this Section does modify or remove the
4 requirements set forth elsewhere in this Article, the
5 provisions of this Section shall apply to any system of
6 Internet-based filing authorized by this Section.

7 (b) In any system of Internet-based filing of statements of
8 economic interests instituted by the Secretary of State or a
9 county clerk:

10 (1) Any filing of an Internet-based statement of
11 economic interests shall be the equivalent of the filing of
12 a verified, written statement of economic interests as
13 required by Section 4A-101 and the equivalent of the filing
14 of a verified, dated, and signed statement of economic
15 interests as required by Section 4A-104.

16 (2) The Secretary of State and county clerks who
17 institute a system of Internet-based filing of statements
18 of economic interests shall establish a password-protected
19 website to receive the filings of such statements. A
20 website established under this Section shall set forth and
21 provide a means of responding to the items set forth in
22 Section 4A-102 that are required of a person who files a
23 statement of economic interests with that officer. A
24 website established under this Section shall set forth and
25 provide a means of generating a printable receipt page
26 acknowledging filing.

1 (3) The times for the filing of statements of economic
2 interests set forth in Section 4A-105 shall be followed in
3 any system of Internet-based filing of statements of
4 economic interests; ~~provided that a candidate for elective~~
5 ~~office who is required to file a statement of economic~~
6 ~~interests in relation to his or her candidacy pursuant to~~
7 ~~Section 4A-105(a) shall not use the Internet to file his or~~
8 ~~her statement of economic interests but shall file his or~~
9 ~~her statement of economic interests in a written or printed~~
10 ~~form and shall receive a written or printed receipt for his~~
11 ~~or her filing.~~

12 (4) In the first year of the implementation of a system
13 of Internet-based filing of statements of economic
14 interests, each person required to file such a statement is
15 to be notified in writing of his or her obligation to file
16 his or her statement of economic interests by way of the
17 Internet-based system. If access to the web site requires a
18 code or password, this information shall be included in the
19 notice prescribed by this paragraph.

20 (5) When a person required to file a statement of
21 economic interests has supplied the Secretary of State or a
22 county clerk, as applicable, with an email address for the
23 purpose of receiving notices under this Article by email, a
24 notice sent by email to the supplied email address shall be
25 the equivalent of a notice sent by first class mail, as set
26 forth in Section 4A-106. A person who has supplied such an

1 email address shall notify the Secretary of State or county
2 clerk, as applicable, when his or her email address changes
3 or if he or she no longer wishes to receive notices by
4 email.

5 (6) If any person who is required to file a statement
6 of economic interests and who has chosen to receive notices
7 by email fails to file his or her statement by May 10, then
8 the Secretary of State or county clerk, as applicable,
9 shall send an additional email notice on that date,
10 informing the person that he or she has not filed and
11 describing the penalties for late filing and failing to
12 file. This notice shall be in addition to other notices
13 provided for in this Article.

14 (7) The Secretary of State and each county clerk who
15 institutes a system of Internet-based filing of statements
16 of economic interests may also institute an Internet-based
17 process for the filing of the list of names and addresses
18 of persons required to file statements of economic
19 interests by the chief administrative officers that must
20 file such information with the Secretary of State or county
21 clerk, as applicable, pursuant to Section 4A-106. Whenever
22 the Secretary of State or a county clerk institutes such a
23 system under this paragraph, every chief administrative
24 officer must use the system to file this information.

25 (8) The Secretary of State and any county clerk who
26 institutes a system of Internet-based filing of statements

1 of economic interests shall post the contents of such
2 statements filed with him or her available for inspection
3 and copying on a publicly accessible website. Such postings
4 shall not include the addresses or signatures of the
5 filers.

6 (Source: P.A. 99-108, eff. 7-22-15.)