



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2842

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-105

from Ch. 127, par. 604A-105

15 ILCS 405/10.05e new

Amends the Illinois Governmental Ethics Act. Provides that the Secretary of State shall compile a list of persons failing to file a statement of economic interests, or filing late statements of economic interests, along with the amount of fine owed by such persons, and submit a quarterly report containing such persons and fees owed to the State Comptroller. Provides that the Comptroller shall deduct any unpaid late filing fees from the persons specified in the report and such fees shall be paid over to the Secretary. Provides for the deposit of late fees into the General Revenue Fund in the State treasury, if the Secretary of State receives such statement for filing, or into the general fund in the county treasury, if the county clerk receives such statement for filing. Amends the State Comptroller Act. Provides that at the direction of the Secretary of State, the Comptroller shall deduct from a warrant or other payment and pay over to the Secretary that amount certified as necessary to satisfy, in whole or in part, late fees for failing to file a statement of economic interests under the Illinois Governmental Ethics Act.

LRB101 10295 RJF 55400 b

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-105 as follows:

6 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

7 Sec. 4A-105. Time for filing. Except as provided in
8 Section 4A-106.1, by May 1 of each year a statement must be
9 filed by each person whose position at that time subjects him
10 to the filing requirements of Section 4A-101 unless he has
11 already filed a statement in relation to the same unit of
12 government in that calendar year.

13 Statements must also be filed as follows:

14 (a) A candidate for elective office shall file his
15 statement not later than the end of the period during which
16 he can take the action necessary under the laws of this
17 State to attempt to qualify for nomination, election, or
18 retention to such office if he has not filed a statement in
19 relation to the same unit of government within a year
20 preceding such action.

21 (b) A person whose appointment to office is subject to
22 confirmation by the Senate shall file his statement at the
23 time his name is submitted to the Senate for confirmation.

1 (b-5) A special government agent, as defined in item
2 (1) of Section 4A-101 of this Act, shall file a statement
3 within 30 days after making the first ex parte
4 communication and each May 1 thereafter if he or she has
5 made an ex parte communication within the previous 12
6 months.

7 (c) Any other person required by this Article to file
8 the statement shall file a statement at the time of his or
9 her initial appointment or employment in relation to that
10 unit of government if appointed or employed by May 1.

11 If any person who is required to file a statement of
12 economic interests fails to file such statement by May 1 of any
13 year, the officer with whom such statement is to be filed under
14 Section 4A-106 of this Act shall, within 7 days after May 1,
15 notify such person by certified mail of his or her failure to
16 file by the specified date. Except as may be prescribed by rule
17 of the Secretary of State, such person shall file his or her
18 statement of economic interests on or before May 15 with the
19 appropriate officer, together with a \$15 late filing fee. Any
20 such person who fails to file by May 15 shall be subject to a
21 penalty of \$100 for each day from May 16 to the date of filing,
22 which shall be in addition to the \$15 late filing fee specified
23 above. Failure to file by May 31 shall result in a forfeiture
24 in accordance with Section 4A-107 of this Act.

25 Any person who takes office or otherwise becomes required
26 to file a statement of economic interests within 30 days prior

1 to May 1 of any year may file his or her statement at any time
2 on or before May 31 without penalty. If such person fails to
3 file such statement by May 31, the officer with whom such
4 statement is to be filed under Section 4A-106 of this Act
5 shall, within 7 days after May 31, notify such person by
6 certified mail of his or her failure to file by the specified
7 date. Such person shall file his or her statement of economic
8 interests on or before June 15 with the appropriate officer,
9 together with a \$15 late filing fee. Any such person who fails
10 to file by June 15 shall be subject to a penalty of \$100 per day
11 for each day from June 16 to the date of filing, which shall be
12 in addition to the \$15 late filing fee specified above. Failure
13 to file by June 30 shall result in a forfeiture in accordance
14 with Section 4A-107 of this Act.

15 All late filing fees and penalties collected pursuant to
16 this Section shall be paid into the General Revenue Fund in the
17 State treasury, if the Secretary of State receives such
18 statement for filing, or into the general fund in the county
19 treasury, if the county clerk receives such statement for
20 filing. The Attorney General, with respect to the State, and
21 the several State's Attorneys, with respect to counties, shall
22 take appropriate action to collect the prescribed penalties.

23 The Secretary of State shall compile a list of persons
24 failing to file a statement of economic interests, or filing
25 late statements of economic interests, along with the amount of
26 fine owed by such persons, and submit a quarterly report

1 containing such persons and fees owed to the State Comptroller.
2 The Comptroller shall deduct any unpaid late filing fees of
3 persons specified in the report in accordance with Section
4 10.05e of the State Comptroller Act, and such fees shall be
5 paid over to the Secretary. The fees paid over to the Secretary
6 shall be paid into the General Revenue Fund in the State
7 treasury, if the Secretary of State was to receive the
8 statement of economic interests for filing. If the county clerk
9 was to receive the statement of economic interests for filling,
10 the Secretary shall pay that portion of the applicable late
11 fees to the county clerk for deposit into the general fund in
12 the county treasury.

13 Failure to file a statement of economic interests within
14 the time prescribed shall not result in a fine or ineligibility
15 for, or forfeiture of, office or position of employment, as the
16 case may be; provided that the failure to file results from not
17 being included for notification by the appropriate agency,
18 clerk, secretary, officer or unit of government, as the case
19 may be, and that a statement is filed within 30 days of actual
20 notice of the failure to file.

21 Beginning with statements required to be filed on or after
22 May 1, 2009, the officer with whom a statement is to be filed
23 may, in his or her discretion, waive the late filing fee, the
24 monetary late filing penalty, and the ineligibility for or
25 forfeiture of office or position for failure to file when the
26 person's late filing of a statement or failure to file a

1 statement is due to his or her (i) serious or catastrophic
2 illness that renders the person temporarily incapable of
3 completing the statement or (ii) military service.

4 (Source: P.A. 96-550, eff. 8-17-09.)

5 Section 10. The State Comptroller Act is amended by adding
6 Section 10.05e as follows:

7 (15 ILCS 405/10.05e new)

8 Sec. 10.05e. Deductions from warrants and payments for
9 satisfaction of late filing fees for failing to file statements
10 of economic interests. At the direction of the Secretary of
11 State, the Comptroller shall deduct from a warrant or other
12 payment described in Section 10.05 of this Act, in accordance
13 with the procedures provided therein, and pay over to the
14 Secretary of State that amount certified as necessary to
15 satisfy, in whole or in part, late fees for failing to file a
16 statement of economic interests under the Illinois
17 Governmental Ethics Act. The Comptroller shall provide the
18 Secretary with the address to which the warrant or other
19 payment was to be mailed and the social security number of each
20 person from whom a deduction is made under this Section.