



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1784

Introduced 2/15/2019, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-101	from Ch. 127, par. 604A-101
5 ILCS 420/4A-101.5 new	
5 ILCS 420/4A-102	from Ch. 127, par. 604A-102
5 ILCS 420/4A-105	from Ch. 127, par. 604A-105
5 ILCS 420/4A-106	from Ch. 127, par. 604A-106
5 ILCS 420/4A-106.5 new	
5 ILCS 420/4A-107	from Ch. 127, par. 604A-107
5 ILCS 420/4A-108	
5 ILCS 430/20-23	

Amends the Illinois Governmental Ethics Act. Modifies the disclosure of economic interests Article to provide for separate provisions concerning statements of economic interests to be filed with the Secretary of State and the county clerk respectively. Amends the State Officials and Employees Ethics Act. Provides that Ethics Officers designated for an office or State agency under the jurisdiction of the Executive Ethics Commission or designated by a Regional Transit Board shall, among other responsibilities, review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State if the statements of economic interest are filed by hard copy. Provides that if such statements are filed online, the Ethics Officer shall review the statements of economic interest and disclosure forms of officers, senior employees, and contract monitors within 15 days after the filing deadline. Makes conforming changes. Effective immediately.

LRB101 11042 RJF 56246 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 Sections 4A-101, 4A-102, 4A-105, 4A-106, 4A-107,
6 and 4A-108 and by adding Sections 4A-101.5 and 4A-106.5 as
7 follows:

8 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

9 Sec. 4A-101. Persons required to file with the Secretary of
10 State. The following persons shall file verified written
11 statements of economic interests with the Secretary of State,
12 as provided in this Article:

13 (a) Members of the General Assembly and candidates for
14 nomination or election to the General Assembly.

15 (b) Persons holding an elected office in the Executive
16 Branch of this State, and candidates for nomination or
17 election to these offices.

18 (c) Members of a Commission or Board created by the
19 Illinois Constitution, and candidates for nomination or
20 election to such Commission or Board.

21 (d) Persons whose appointment to office is subject to
22 confirmation by the Senate and persons appointed by the
23 Governor to any other position on a board or commission

1 described in subsection (a) of Section 15 of the
2 Gubernatorial Boards and Commissions Act.

3 (e) Holders of, and candidates for nomination or
4 election to, the office of judge or associate judge of the
5 Circuit Court and the office of judge of the Appellate or
6 Supreme Court.

7 (f) Persons who are employed by any branch, agency,
8 authority or board of the government of this State,
9 including but not limited to, the Illinois State Toll
10 Highway Authority, the Illinois Housing Development
11 Authority, the Illinois Community College Board, and
12 institutions under the jurisdiction of the Board of
13 Trustees of the University of Illinois, Board of Trustees
14 of Southern Illinois University, Board of Trustees of
15 Chicago State University, Board of Trustees of Eastern
16 Illinois University, Board of Trustees of Governors
17 ~~Governor's~~ State University, Board of Trustees of Illinois
18 State University, Board of Trustees of Northeastern
19 Illinois University, Board of Trustees of Northern
20 Illinois University, Board of Trustees of Western Illinois
21 University, or Board of Trustees of the Illinois
22 Mathematics and Science Academy, and are compensated for
23 services as employees and not as independent contractors
24 and who:

25 (1) are, or function as, the head of a department,
26 commission, board, division, bureau, authority or

1 other administrative unit within the government of
2 this State, or who exercise similar authority within
3 the government of this State;

4 (2) have direct supervisory authority over, or
5 direct responsibility for the formulation,
6 negotiation, issuance or execution of contracts
7 entered into by the State in the amount of \$5,000 or
8 more;

9 (3) have authority for the issuance or
10 promulgation of rules and regulations within areas
11 under the authority of the State;

12 (4) have authority for the approval of
13 professional licenses;

14 (5) have responsibility with respect to the
15 financial inspection of regulated nongovernmental
16 entities;

17 (6) adjudicate, arbitrate, or decide any judicial
18 or administrative proceeding, or review the
19 adjudication, arbitration or decision of any judicial
20 or administrative proceeding within the authority of
21 the State;

22 (7) have supervisory responsibility for 20 or more
23 employees of the State;

24 (8) negotiate, assign, authorize, or grant naming
25 rights or sponsorship rights regarding any property or
26 asset of the State, whether real, personal, tangible,

1 or intangible; or

2 (9) have responsibility with respect to the
3 procurement of goods or services.

4 (f-5) Members of the board of commissioners of any
5 flood prevention district created under the Flood
6 Prevention District Act or the Beardstown Regional Flood
7 Prevention District Act.

8 (g) (Blank). ~~Persons who are elected to office in a~~
9 ~~unit of local government, and candidates for nomination or~~
10 ~~election to that office, including regional~~
11 ~~superintendents of school districts.~~

12 (h) (Blank). ~~Persons appointed to the governing board~~
13 ~~of a unit of local government, or of a special district,~~
14 ~~and persons appointed to a zoning board, or zoning board of~~
15 ~~appeals, or to a regional, county, or municipal plan~~
16 ~~commission, or to a board of review of any county, and~~
17 ~~persons appointed to the Board of the Metropolitan Pier and~~
18 ~~Exposition Authority and any Trustee appointed under~~
19 ~~Section 22 of the Metropolitan Pier and Exposition~~
20 ~~Authority Act, and persons appointed to a board or~~
21 ~~commission of a unit of local government who have authority~~
22 ~~to authorize the expenditure of public funds. This~~
23 ~~subsection does not apply to members of boards or~~
24 ~~commissions who function in an advisory capacity.~~

25 (i) (Blank). ~~Persons who are employed by a unit of~~
26 ~~local government and are compensated for services as~~

1 ~~employees and not as independent contractors and who:~~

2 ~~(1) are, or function as, the head of a department,~~
3 ~~division, bureau, authority or other administrative~~
4 ~~unit within the unit of local government, or who~~
5 ~~exercise similar authority within the unit of local~~
6 ~~government;~~

7 ~~(2) have direct supervisory authority over, or~~
8 ~~direct responsibility for the formulation,~~
9 ~~negotiation, issuance or execution of contracts~~
10 ~~entered into by the unit of local government in the~~
11 ~~amount of \$1,000 or greater;~~

12 ~~(3) have authority to approve licenses and permits~~
13 ~~by the unit of local government; this item does not~~
14 ~~include employees who function in a ministerial~~
15 ~~capacity;~~

16 ~~(4) adjudicate, arbitrate, or decide any judicial~~
17 ~~or administrative proceeding, or review the~~
18 ~~adjudication, arbitration or decision of any judicial~~
19 ~~or administrative proceeding within the authority of~~
20 ~~the unit of local government;~~

21 ~~(5) have authority to issue or promulgate rules and~~
22 ~~regulations within areas under the authority of the~~
23 ~~unit of local government; or~~

24 ~~(6) have supervisory responsibility for 20 or more~~
25 ~~employees of the unit of local government.~~

26 (j) Persons on the Board of Trustees of the Illinois

1 Mathematics and Science Academy.

2 (k) (Blank). ~~Persons employed by a school district in~~
3 ~~positions that require that person to hold an~~
4 ~~administrative or a chief school business official~~
5 ~~endorsement.~~

6 (l) Special government agents. A "special government
7 agent" is a person who is directed, retained, designated,
8 appointed, or employed, with or without compensation, by or
9 on behalf of a statewide executive branch constitutional
10 officer to make an ex parte communication under Section
11 5-50 of the State Officials and Employees Ethics Act or
12 Section 5-165 of the Illinois Administrative Procedure
13 Act.

14 (m) (Blank). ~~Members of the board of commissioners of~~
15 ~~any flood prevention district created under the Flood~~
16 ~~Prevention District Act or the Beardstown Regional Flood~~
17 ~~Prevention District Act.~~

18 (n) Members of the board of any retirement system or
19 investment board established under the Illinois Pension
20 Code, if not required to file under any other provision of
21 this Section.

22 (o) (Blank). ~~Members of the board of any pension fund~~
23 ~~established under the Illinois Pension Code, if not~~
24 ~~required to file under any other provision of this Section.~~

25 (p) Members of the investment advisory panel created
26 under Section 20 of the Illinois Prepaid Tuition Act.

1 This Section shall not be construed to prevent any unit of
2 local government from enacting financial disclosure
3 requirements that mandate more information than required by
4 this Act.

5 (Source: P.A. 96-6, eff. 4-3-09; 96-543, eff. 8-17-09; 96-555,
6 eff. 8-18-09; 96-1000, eff. 7-2-10; 97-309, eff. 8-11-11;
7 97-754, eff. 7-6-12; revised 10-10-18.)

8 (5 ILCS 420/4A-101.5 new)

9 Sec. 4A-101.5. Persons required to file with the county
10 clerk. The following persons shall file verified written
11 statements of economic interests with the county clerk, as
12 provided in this Article:

13 (a) Persons who are elected to office in a unit of local
14 government, and candidates for nomination or election to that
15 office, including regional superintendents of school
16 districts.

17 (b) Persons appointed to the governing board of a unit of
18 local government, or of a special district, and persons
19 appointed to a zoning board, or zoning board of appeals, or to
20 a regional, county, or municipal plan commission, or to a board
21 of review of any county, and persons appointed to the Board of
22 the Metropolitan Pier and Exposition Authority and any Trustee
23 appointed under Section 22 of the Metropolitan Pier and
24 Exposition Authority Act, and persons appointed to a board or
25 commission of a unit of local government who have authority to

1 authorize the expenditure of public funds. This subsection (b)
2 does not apply to members of boards or commissions who function
3 in an advisory capacity.

4 (c) Persons who are employed by a unit of local government
5 and are compensated for services as employees and not as
6 independent contractors, and who:

7 (1) are, or function as, the head of a department,
8 division, bureau, authority, or other administrative unit
9 within the unit of local government, or who exercise
10 similar authority within the unit of local government;

11 (2) have direct supervisory authority over, or direct
12 responsibility for the formulation, negotiation, issuance,
13 or execution of contracts entered into by the unit of local
14 government in the amount of \$1,000 or greater;

15 (3) have authority to approve licenses and permits by
16 the unit of local government, but not including employees
17 who function in a ministerial capacity;

18 (4) adjudicate, arbitrate, or decide any judicial or
19 administrative proceeding, or review the adjudication,
20 arbitration, or decision of any judicial or administrative
21 proceeding within the authority of the unit of local
22 government;

23 (5) have authority to issue or adopt rules and
24 regulations within areas under the authority of the unit of
25 local government; or

26 (6) have supervisory responsibility for 20 or more

1 employees of the unit of local government.

2 (d) Persons employed by a school district in positions that
3 require that person to hold an administrative or a chief school
4 business official endorsement.

5 (e) Members of the board of any pension fund established
6 under the Illinois Pension Code, if not required to file under
7 any other provision of this Section.

8 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

9 Sec. 4A-102. The statement of economic interests required
10 by this Article shall include the economic interests of the
11 person making the statement as provided in this Section. The
12 interest (if constructively controlled by the person making the
13 statement) of a spouse or any other party, shall be considered
14 to be the same as the interest of the person making the
15 statement. Campaign receipts shall not be included in this
16 statement.

17 (a) The following interests shall be listed by all
18 persons required to file:

19 (1) The name, address and type of practice of any
20 professional organization or individual professional
21 practice in which the person making the statement was
22 an officer, director, associate, partner or
23 proprietor, or served in any advisory capacity, from
24 which income in excess of \$1200 was derived during the
25 preceding calendar year;

1 (2) The nature of professional services (other
2 than services rendered to the unit or units of
3 government in relation to which the person is required
4 to file) and the nature of the entity to which they
5 were rendered if fees exceeding \$5,000 were received
6 during the preceding calendar year from the entity for
7 professional services rendered by the person making
8 the statement.

9 (3) The identity (including the address or legal
10 description of real estate) of any capital asset from
11 which a capital gain of \$5,000 or more was realized in
12 the preceding calendar year.

13 (4) The name of any unit of government which has
14 employed the person making the statement during the
15 preceding calendar year other than the unit or units of
16 government in relation to which the person is required
17 to file.

18 (5) The name of any entity from which a gift or
19 gifts, or honorarium or honoraria, valued singly or in
20 the aggregate in excess of \$500, was received during
21 the preceding calendar year.

22 (b) The following interests shall also be listed by
23 persons listed in items (a) through (f), item (l), item
24 (n), and item (p) of Section 4A-101:

25 (1) The name and instrument of ownership in any
26 entity doing business in the State of Illinois, in

1 which an ownership interest held by the person at the
2 date of filing is in excess of \$5,000 fair market value
3 or from which dividends of in excess of \$1,200 were
4 derived during the preceding calendar year. (In the
5 case of real estate, location thereof shall be listed
6 by street address, or if none, then by legal
7 description). No time or demand deposit in a financial
8 institution, nor any debt instrument need be listed;

9 (2) Except for professional service entities, the
10 name of any entity and any position held therein from
11 which income of in excess of \$1,200 was derived during
12 the preceding calendar year, if the entity does
13 business in the State of Illinois. No time or demand
14 deposit in a financial institution, nor any debt
15 instrument need be listed.

16 (3) The identity of any compensated lobbyist with
17 whom the person making the statement maintains a close
18 economic association, including the name of the
19 lobbyist and specifying the legislative matter or
20 matters which are the object of the lobbying activity,
21 and describing the general type of economic activity of
22 the client or principal on whose behalf that person is
23 lobbying.

24 (c) The following interests shall also be listed by
25 persons listed in items (a) through (c) and item (e) ~~(g)~~,
26 ~~(h), (i), and (e)~~ of Section 4A-101.5 ~~4A-101~~:

1 (1) The name and instrument of ownership in any
2 entity doing business with a unit of local government
3 in relation to which the person is required to file if
4 the ownership interest of the person filing is greater
5 than \$5,000 fair market value as of the date of filing
6 or if dividends in excess of \$1,200 were received from
7 the entity during the preceding calendar year. (In the
8 case of real estate, location thereof shall be listed
9 by street address, or if none, then by legal
10 description). No time or demand deposit in a financial
11 institution, nor any debt instrument need be listed.

12 (2) Except for professional service entities, the
13 name of any entity and any position held therein from
14 which income in excess of \$1,200 was derived during the
15 preceding calendar year if the entity does business
16 with a unit of local government in relation to which
17 the person is required to file. No time or demand
18 deposit in a financial institution, nor any debt
19 instrument need be listed.

20 (3) The name of any entity and the nature of the
21 governmental action requested by any entity which has
22 applied to a unit of local government in relation to
23 which the person must file for any license, franchise
24 or permit for annexation, zoning or rezoning of real
25 estate during the preceding calendar year if the
26 ownership interest of the person filing is in excess of

1 \$5,000 fair market value at the time of filing or if
2 income or dividends in excess of \$1,200 were received
3 by the person filing from the entity during the
4 preceding calendar year.

5 For the purposes of this Section, the unit of local
6 government in relation to which a person required to file under
7 item (e) ~~(e)~~ of Section 4A-101.5 ~~4A-101~~ shall be the unit of
8 local government that contributes to the pension fund of which
9 such person is a member of the board.

10 (Source: P.A. 96-6, eff. 4-3-09; 97-754, eff. 7-6-12.)

11 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

12 Sec. 4A-105. Time for filing. Except as provided in
13 Section 4A-106.1, by May 1 of each year a statement must be
14 filed by each person whose position at that time subjects him
15 to the filing requirements of Section 4A-101 or 4A-101.5 unless
16 he has already filed a statement in relation to the same unit
17 of government in that calendar year.

18 Statements must also be filed as follows:

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

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

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

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

14 If any person who is required to file a statement of
15 economic interests fails to file such statement by May 1 of any
16 year, the officer with whom such statement is to be filed under
17 Section 4A-106 or 4A-106.5 of this Act shall, within 7 days
18 after May 1, notify such person by certified mail of his or her
19 failure to file by the specified date. Except as may be
20 prescribed by rule of the Secretary of State, such person shall
21 file his or her statement of economic interests on or before
22 May 15 with the appropriate officer, together with a \$15 late
23 filing fee. Any such person who fails to file by May 15 shall
24 be subject to a penalty of \$100 for each day from May 16 to the
25 date of filing, which shall be in addition to the \$15 late
26 filing fee specified above. Failure to file by May 31 shall

1 result in a forfeiture in accordance with Section 4A-107 of
2 this Act.

3 Any person who takes office or otherwise becomes required
4 to file a statement of economic interests within 30 days prior
5 to May 1 of any year may file his or her statement at any time
6 on or before May 31 without penalty. If such person fails to
7 file such statement by May 31, the officer with whom such
8 statement is to be filed under Section 4A-106 or 4A-106.5 of
9 this Act shall, within 7 days after May 31, notify such person
10 by certified mail of his or her failure to file by the
11 specified date. Such person shall file his or her statement of
12 economic interests on or before June 15 with the appropriate
13 officer, together with a \$15 late filing fee. Any such person
14 who fails to file by June 15 shall be subject to a penalty of
15 \$100 per day for each day from June 16 to the date of filing,
16 which shall be in addition to the \$15 late filing fee specified
17 above. Failure to file by June 30 shall result in a forfeiture
18 in accordance with Section 4A-107 of this Act.

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

1 Failure to file a statement of economic interests within
2 the time prescribed shall not result in a fine or ineligibility
3 for, or forfeiture of, office or position of employment, as the
4 case may be; provided that the failure to file results from not
5 being included for notification by the appropriate agency,
6 clerk, secretary, officer or unit of government, as the case
7 may be, and that a statement is filed within 30 days of actual
8 notice of the failure to file.

9 Beginning with statements required to be filed on or after
10 May 1, 2009, the officer with whom a statement is to be filed
11 may, in his or her discretion, waive the late filing fee, the
12 monetary late filing penalty, and the ineligibility for or
13 forfeiture of office or position for failure to file when the
14 person's late filing of a statement or failure to file a
15 statement is due to his or her (i) serious or catastrophic
16 illness that renders the person temporarily incapable of
17 completing the statement or (ii) military service.

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

19 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

20 Sec. 4A-106. Persons filing statements with Secretary of
21 State; notice; certification of list of names; alphabetical
22 list; receipt; examination and copying of statements. The
23 statements of economic interests required of persons listed in
24 ~~items (a) through (f), item (j), item (l), item (n), and item~~
25 ~~(p)~~ of Section 4A-101 shall be filed with the Secretary of

1 State. ~~The statements of economic interests required of persons~~
2 ~~listed in items (g), (h), (i), (k), and (o) of Section 4A-101~~
3 ~~shall be filed with the county clerk of the county in which the~~
4 ~~principal office of the unit of local government with which the~~
5 ~~person is associated is located. If it is not apparent which~~
6 ~~county the principal office of a unit of local government is~~
7 ~~located, the chief administrative officer, or his or her~~
8 ~~designee, has the authority, for purposes of this Act, to~~
9 ~~determine the county in which the principal office is located.~~
10 On or before February 1 annually, ~~(1)~~ the chief administrative
11 officer of any State agency in the executive, legislative, or
12 judicial branch employing persons required to file under item
13 (f) or item (l) of Section 4A-101 and the chief administrative
14 officer of a board or panel described in item (n) or (p) of
15 Section 4A-101 shall certify to the Secretary of State the
16 names and mailing addresses of those persons, ~~and (2) the chief~~
17 ~~administrative officer, or his or her designee, of each unit of~~
18 ~~local government with persons described in items (h), (i) and~~
19 ~~(k) and a board described in item (o) of Section 4A-101 shall~~
20 ~~certify to the appropriate county clerk a list of names and~~
21 ~~addresses of persons described in items (h), (i), (k), and (o)~~
22 ~~of Section 4A-101 that are required to file. In preparing the~~
23 lists, each chief administrative officer, or his or her
24 designee, shall set out the names in alphabetical order.

25 On or before April 1 annually, the Secretary of State shall
26 notify (1) all persons whose names have been certified to him

1 under items (f), (l), (n), and (p) of Section 4A-101, and (2)
2 all persons described in items (a) through (e) and item (j) of
3 Section 4A-101, other than candidates for office who have filed
4 their statements with their nominating petitions, of the
5 requirements for filing statements of economic interests. A
6 person required to file with the Secretary of State by virtue
7 of more than one position as listed in Section 4A-101, and
8 filing his or her statement of economic interests in writing,
9 rather than through the internet based system, ~~item among items~~
10 ~~(a) through (f) and items (j), (l), (n), and (p)~~ shall be
11 notified of and is required to file only one statement of
12 economic interests relating to all items under which the person
13 is required to file with the Secretary of State.

14 ~~On or before April 1 annually, the county clerk of each~~
15 ~~county shall notify all persons whose names have been certified~~
16 ~~to him under items (g), (h), (i), (k), and (o) of Section~~
17 ~~4A-101, other than candidates for office who have filed their~~
18 ~~statements with their nominating petitions, of the~~
19 ~~requirements for filing statements of economic interests. A~~
20 ~~person required to file with a county clerk by virtue of more~~
21 ~~than one item among items (g), (h), (i), (k), and (o) shall be~~
22 ~~notified of and is required to file only one statement of~~
23 ~~economic interests relating to all items under which the person~~
24 ~~is required to file with that county clerk.~~

25 Except as provided in Section 4A-106.1, the notices
26 provided for in this Section shall be in writing and deposited

1 in the U.S. Mail, properly addressed, first class postage
2 prepaid, on or before the day required by this Section for the
3 sending of the notice. ~~Alternatively, a county clerk may send~~
4 ~~the notices electronically to all persons whose names have been~~
5 ~~thus certified to him under item (h), (i), or (k) of Section~~
6 ~~4A-101.~~ A certificate executed by the Secretary of State ~~or~~
7 ~~county clerk~~ attesting that he or she has sent the notice by
8 the means permitted by this Section constitutes prima facie
9 evidence thereof.

10 ~~From the lists certified to him under this Section of~~
11 ~~persons described in items (g), (h), (i), (k), and (o) of~~
12 ~~Section 4A-101, the clerk of each county shall compile an~~
13 ~~alphabetical listing of persons required to file statements of~~
14 ~~economic interests in his office under any of those items. As~~
15 ~~the statements are filed in his office, the county clerk shall~~
16 ~~cause the fact of that filing to be indicated on the~~
17 ~~alphabetical listing of persons who are required to file~~
18 ~~statements. Within 30 days after the due dates, the county~~
19 ~~clerk shall mail to the State Board of Elections a true copy of~~
20 ~~that listing showing those who have filed statements.~~

21 ~~The county clerk of each county shall note upon the~~
22 ~~alphabetical listing the names of all persons required to file~~
23 ~~a statement of economic interests who failed to file a~~
24 ~~statement on or before May 1. It shall be the duty of the~~
25 ~~several county clerks to give notice as provided in Section~~
26 ~~4A-105 to any person who has failed to file his or her~~

1 ~~statement with the clerk on or before May 1.~~

2 Any person who files or has filed a statement of economic
3 interest under this Section ~~Act~~ is entitled to receive from the
4 Secretary of State ~~or county clerk, as the case may be,~~ a
5 receipt indicating that the person has filed such a statement,
6 the date of such filing, and the identity of the governmental
7 unit or units in relation to which the filing is required.

8 The Secretary of State may employ such employees and
9 consultants as he considers necessary to carry out his duties
10 hereunder, and may prescribe their duties, fix their
11 compensation, and provide for reimbursement of their expenses.

12 All statements of economic interests filed under this
13 Section shall be available for examination and copying by the
14 public at all reasonable times. Not later than 12 months after
15 the effective date of this amendatory Act of the 93rd General
16 Assembly, beginning with statements filed in calendar year
17 2004, the Secretary of State shall make statements of economic
18 interests filed with the Secretary available for inspection and
19 copying via the Secretary's website.

20 (Source: P.A. 96-6, eff. 4-3-09; 96-1336, eff. 1-1-11; 97-754,
21 eff. 7-6-12.)

22 (5 ILCS 420/4A-106.5 new)

23 Sec. 4A-106.5. Persons filing statements with county
24 clerk; notice; certification of list of names; alphabetical
25 list; receipt; examination and copying of statements. The

1 statements of economic interests required of persons listed in
2 Section 4A-101.5 shall be filed with the county clerk of the
3 county in which the principal office of the unit of local
4 government with which the person is associated is located. If
5 it is not apparent which county the principal office of a unit
6 of local government is located, the chief administrative
7 officer, or his or her designee, has the authority, for
8 purposes of this Act, to determine the county in which the
9 principal office is located. The chief administrative officer,
10 or his or her designee, of each unit of local government with
11 persons described in Section 4A-101.5 shall certify to the
12 appropriate county clerk a list of names and addresses of
13 persons that are required to file. In preparing the lists, each
14 chief administrative officer, or his or her designee, shall set
15 out the names in alphabetical order.

16 On or before April 1 annually, the county clerk of each
17 county shall notify all persons whose names have been certified
18 to him under Section 4A-101.5, other than candidates for office
19 who have filed their statements with their nominating
20 petitions, of the requirements for filing statements of
21 economic interests. A person required to file with a county
22 clerk by virtue of more than one item among items set forth in
23 Section 4A-101.5 shall be notified of and is required to file
24 only one statement of economic interests relating to all items
25 under which the person is required to file with that county
26 clerk.

1 Except as provided in Section 4A-106.1, the notices
2 provided for in this Section shall be in writing and deposited
3 in the U.S. Mail, properly addressed, first class postage
4 prepaid, on or before the day required by this Section for the
5 sending of the notice. Alternatively, a county clerk may send
6 the notices electronically to all persons whose names have been
7 thus certified to him. A certificate executed by county clerk
8 attesting that he or she has sent the notice by the means
9 permitted by this Section constitutes prima facie evidence
10 thereof.

11 From the lists certified to him or her under this Section
12 of persons described Section 4A-101.5, the clerk of each county
13 shall compile an alphabetical listing of persons required to
14 file statements of economic interests in his or her office
15 under any of those items. As the statements are filed in his or
16 her office, the county clerk shall cause the fact of that
17 filing to be indicated on the alphabetical listing of persons
18 who are required to file statements. Within 30 days after the
19 due dates, the county clerk shall mail to the State Board of
20 Elections a true copy of that listing showing those who have
21 filed statements.

22 The county clerk of each county shall note upon the
23 alphabetical listing the names of all persons required to file
24 a statement of economic interests who failed to file a
25 statement on or before May 1. It shall be the duty of the
26 several county clerks to give notice as provided in Section

1 4A-105 to any person who has failed to file his or her
2 statement with the clerk on or before May 1.

3 Any person who files or has filed a statement of economic
4 interest under this Section is entitled to receive from the
5 county clerk a receipt indicating that the person has filed
6 such a statement, the date of such filing, and the identity of
7 the governmental unit or units in relation to which the filing
8 is required.

9 All statements of economic interests filed under this
10 Section shall be available for examination and copying by the
11 public at all reasonable times.

12 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

13 Sec. 4A-107. Any person required to file a statement of
14 economic interests under this Article who willfully files a
15 false or incomplete statement shall be guilty of a Class A
16 misdemeanor.

17 Except when the fees and penalties for late filing have
18 been waived under Section 4A-105, failure to file a statement
19 within the time prescribed shall result in ineligibility for,
20 or forfeiture of, office or position of employment, as the case
21 may be; provided, however, that if the notice of failure to
22 file a statement of economic interests provided in Section
23 4A-105 of this Act is not given by the Secretary of State or
24 the county clerk, as the case may be, no forfeiture shall
25 result if a statement is filed within 30 days of actual notice

1 of the failure to file. The Secretary of State shall provide
2 the Attorney General with the names of persons who failed to
3 file a statement. The county clerk shall provide the State's
4 Attorney of the county of the entity for which the filing of
5 statement of economic interest is required with the name of
6 persons who failed to file a statement.

7 The Attorney General, with respect to offices or positions
8 described in items (a) through (f) and items (j), (l), (n), and
9 (p) of Section 4A-101 of this Act, or the State's Attorney of
10 the county of the entity for which the filing of statements of
11 economic interests is required, with respect to offices or
12 positions described in items (a) through (e) ~~(g) through (i),~~
13 ~~item (k), and item (e)~~ of Section 4A-101.5 ~~4A-101~~ of this Act,
14 shall bring an action in quo warranto against any person who
15 has failed to file by either May 31 or June 30 of any given year
16 and for whom the fees and penalties for late filing have not
17 been waived under Section 4A-105.

18 (Source: P.A. 96-6, eff. 4-3-09; 96-550, eff. 8-17-09; 96-1000,
19 eff. 7-2-10; 97-754, eff. 7-6-12.)

20 (5 ILCS 420/4A-108)

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

22 (a) Notwithstanding any other provision of this Act or any
23 other law, the Secretary of State and county clerks are
24 authorized to institute an Internet-based system for the filing
25 of statements of economic interests in their offices. With

1 respect to county clerk systems, the determination to institute
2 such a system shall be in the sole discretion of the county
3 clerk and shall meet the requirements set out in this Section.
4 With respect to a Secretary of State system, the determination
5 to institute such a system shall be in the sole discretion of
6 the Secretary of State and shall meet the requirements set out
7 in this Section and those Sections of the State Officials and
8 Employees Ethics Act requiring ethics officer review prior to
9 filing. The system shall be capable of allowing an ethics
10 officer to approve a statement of economic interests and shall
11 include a means to amend a statement of economic interests.
12 When this Section does not modify or remove the requirements
13 set forth elsewhere in this Article, those requirements shall
14 apply to any system of Internet-based filing authorized by this
15 Section. When this Section does modify or remove the
16 requirements set forth elsewhere in this Article, the
17 provisions of this Section shall apply to any system of
18 Internet-based filing authorized by this Section.

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

22 (1) Any filing of an Internet-based statement of
23 economic interests shall be the equivalent of the filing of
24 a verified, written statement of economic interests as
25 required by Section 4A-101 or 4A-101.5 and the equivalent
26 of the filing of a verified, dated, and signed statement of

1 economic interests as required by Section 4A-104.

2 (2) The Secretary of State and county clerks who
3 institute a system of Internet-based filing of statements
4 of economic interests shall establish a password-protected
5 website to receive the filings of such statements. A
6 website established under this Section shall set forth and
7 provide a means of responding to the items set forth in
8 Section 4A-102 that are required of a person who files a
9 statement of economic interests with that officer. A
10 website established under this Section shall set forth and
11 provide a means of generating a printable receipt page
12 acknowledging filing.

13 (3) The times for the filing of statements of economic
14 interests set forth in Section 4A-105 shall be followed in
15 any system of Internet-based filing of statements of
16 economic interests; provided that a candidate for elective
17 office who is required to file a statement of economic
18 interests in relation to his or her candidacy pursuant to
19 Section 4A-105(a) shall receive a written or printed
20 receipt for his or her filing.

21 A candidate filing for Governor, Lieutenant Governor,
22 Attorney General, Secretary of State, Treasurer,
23 Comptroller, State Senate, or State House of
24 Representatives shall not use the Internet to file his or
25 her statement of economic interests, but shall file his or
26 her statement of economic interests in a written or printed

1 form and shall receive a written or printed receipt for his
2 or her filing. Annually, the duly appointed ethics officer
3 for each legislative caucus shall certify to the Secretary
4 of State whether his or her caucus members will file their
5 statements of economic interests electronically or in a
6 written or printed format for that year. If the ethics
7 officer for a caucus certifies that the statements of
8 economic interests shall be written or printed, then
9 members of the General Assembly of that caucus shall not
10 use the Internet to file his or her statement of economic
11 interests, but shall file his or her statement of economic
12 interests in a written or printed form and shall receive a
13 written or printed receipt for his or her filing. If no
14 certification is made by an ethics officer for a
15 legislative caucus, or if a member of the General Assembly
16 is not affiliated with a legislative caucus, then the
17 affected member or members of the General Assembly may file
18 their statements of economic interests using the Internet.

19 (4) In the first year of the implementation of a system
20 of Internet-based filing of statements of economic
21 interests, each person required to file such a statement is
22 to be notified in writing of his or her obligation to file
23 his or her statement of economic interests by way of the
24 Internet-based system. If access to the web site requires a
25 code or password, this information shall be included in the
26 notice prescribed by this paragraph.

1 (5) When a person required to file a statement of
2 economic interests has supplied the Secretary of State or a
3 county clerk, as applicable, with an email address for the
4 purpose of receiving notices under this Article by email, a
5 notice sent by email to the supplied email address shall be
6 the equivalent of a notice sent by first class mail, as set
7 forth in Section 4A-106 or 4A-106.5. A person who has
8 supplied such an email address shall notify the Secretary
9 of State or county clerk, as applicable, when his or her
10 email address changes or if he or she no longer wishes to
11 receive notices by email.

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

21 (7) The Secretary of State and each county clerk who
22 institutes a system of Internet-based filing of statements
23 of economic interests may also institute an Internet-based
24 process for the filing of the list of names and addresses
25 of persons required to file statements of economic
26 interests by the chief administrative officers that must

1 file such information with the Secretary of State or county
2 clerk, as applicable, pursuant to Section 4A-106 or
3 4A-106.5. Whenever the Secretary of State or a county clerk
4 institutes such a system under this paragraph, every chief
5 administrative officer must use the system to file this
6 information.

7 (8) The Secretary of State and any county clerk who
8 institutes a system of Internet-based filing of statements
9 of economic interests shall post the contents of such
10 statements filed with him or her available for inspection
11 and copying on a publicly accessible website. Such postings
12 shall not include the addresses or signatures of the
13 filers.

14 (9) A person required to file with the Secretary of
15 State by virtue of more than one position as listed in
16 Section 4A-101, and filing his or her statement of economic
17 interests through the Internet-based system, shall be
18 required to file an economic interest statement for each
19 relevant position for which the person is required to file
20 with the Secretary of State.

21 (c) Each ethics officer or administrator of each person
22 required to file with the Secretary of State may require
23 employees to file his or her statement of economic interests
24 electronically using the Internet-based system.

25 (Source: P.A. 99-108, eff. 7-22-15; 100-1041, eff. 1-1-19.)

1 Section 10. The State Officials and Employees Ethics Act is
2 amended by changing Section 20-23 as follows:

3 (5 ILCS 430/20-23)

4 Sec. 20-23. Ethics Officers. Each officer and the head of
5 each State agency under the jurisdiction of the Executive
6 Ethics Commission shall designate an Ethics Officer for the
7 office or State agency. The board of each Regional Transit
8 Board shall designate an Ethics Officer. Ethics Officers shall:

9 (1) act as liaisons between the State agency or
10 Regional Transit Board and the appropriate Executive
11 Inspector General and between the State agency or Regional
12 Transit Board and the Executive Ethics Commission;

13 (2) review statements of economic interest and
14 disclosure forms of officers, senior employees, and
15 contract monitors before they are filed with the Secretary
16 of State if statements of economic interest are filed by
17 hard copy. If the statements of economic interest are filed
18 online, the Ethics Officer shall review statements of
19 economic interest and disclosure forms of officers, senior
20 employees, and contract monitors within 15 days after the
21 filing deadline; and

22 (3) provide guidance to officers and employees in the
23 interpretation and implementation of this Act, which the
24 officer or employee may in good faith rely upon. Such
25 guidance shall be based, wherever possible, upon legal

1 precedent in court decisions, opinions of the Attorney
2 General, and the findings and opinions of the Executive
3 Ethics Commission.

4 (Source: P.A. 96-1528, eff. 7-1-11.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.