



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5700

Introduced 2/18/2022, by Rep. Tom Demmer

#### SYNOPSIS AS INTRODUCED:

|                   |                             |
|-------------------|-----------------------------|
| 5 ILCS 420/4A-101 | from Ch. 127, par. 604A-101 |
| 5 ILCS 420/4A-105 | from Ch. 127, par. 604A-105 |
| 5 ILCS 420/4A-106 | from Ch. 127, par. 604A-106 |

Amends the Illinois Governmental Ethics Act. Provides that in addition to other specified filings of economic interests, persons holding elective office in the Executive Branch of State government, persons serving as the head of a department of State government, and members of a Commission or Board created by the Illinois Constitution shall be required to file, on a quarterly basis, a statement regarding specified ownership interest in any entity doing business in the State of Illinois. Provides that such persons shall file the required statement on or before February 1, May 1, August 1, and November 1 of each year. Requires the Secretary of State to provide notice on or before January 1 of each year of the requirement to file the specified statement of economic interests on a quarterly basis. Makes other changes.

LRB102 26250 RJF 36116 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-105, and 4A-106 as follows:

6 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

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

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

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

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

19 (d) Persons whose appointment to office is subject to  
20 confirmation by the Senate, including, but not limited to,  
21 persons serving as the head of a department of State  
22 government as provided under Section 5-20 of the  
23 Departments of State Government Law of the Civil

1       Administrative Code of Illinois, and persons appointed by  
2       the Governor to any other position on a board or  
3       commission described in subsection (a) of Section 15 of  
4       the Gubernatorial Boards and Commissions Act.

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

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

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

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

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

14          (4) have authority for the approval of  
15          professional licenses;

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

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

24          (7) have supervisory responsibility for 20 or more  
25          employees of the State;

26          (8) negotiate, assign, authorize, or grant naming

1 rights or sponsorship rights regarding any property or  
2 asset of the State, whether real, personal, tangible,  
3 or intangible; or

4 (9) have responsibility with respect to the  
5 procurement of goods or services.

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

10 (g) (Blank).

11 (h) (Blank).

12 (i) (Blank).

13 (j) Persons on the Board of Trustees of the Illinois  
14 Mathematics and Science Academy.

15 (k) (Blank).

16 (l) Special government agents. A "special government  
17 agent" is a person who is directed, retained, designated,  
18 appointed, or employed, with or without compensation, by  
19 or on behalf of a statewide executive branch  
20 constitutional officer to make an ex parte communication  
21 under Section 5-50 of the State Officials and Employees  
22 Ethics Act or Section 5-165 of the Illinois Administrative  
23 Procedure Act.

24 (m) (Blank).

25 (n) Members of the board of any retirement system or  
26 investment board established under the Illinois Pension

1 Code, if not required to file under any other provision of  
2 this Section.

3 (o) (Blank).

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

6 This Section shall not be construed to prevent any unit of  
7 local government from enacting financial disclosure  
8 requirements that mandate more information than required by  
9 this Act.

10 (Source: P.A. 101-81, eff. 7-12-19; 101-221, eff. 8-9-19.)

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  
16 unless he has already filed a statement in relation to the same  
17 unit 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  
21 which he can take the action necessary under the laws of  
22 this State to attempt to qualify for nomination, election,  
23 or retention to such office if he has not filed a statement  
24 in 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 Notwithstanding any provision of law to the contrary, and  
15 in addition to filings otherwise required under this Article,  
16 the following persons shall be required to file, on a  
17 quarterly basis, a statement regarding interests required to  
18 be disclosed under paragraph (1) of subsection (b) of Section  
19 4A-102: (i) persons holding elective office in the Executive  
20 Branch of State government; (ii) persons serving as the head  
21 of a department of State government as provided under Section  
22 5-20 of the Departments of State Government Law of the Civil  
23 Administrative Code of Illinois; and (iii) members of a  
24 Commission or Board created by the Illinois Constitution.  
25 Persons specified under this paragraph shall file the  
26 statements required under this paragraph on or before February

1 1, May 1, August 1, and November 1 of each year. For purposes  
2 of this Section, a person required to file under this  
3 paragraph shall only be required to file his or her May 1  
4 filing once within a given year with respect to disclosures  
5 made under paragraph (1) of subsection (b) of Section 4A-102.

6 If any person who is required to file a statement of  
7 economic interests fails to file such statement by May 1 of any  
8 year, the officer with whom such statement is to be filed under  
9 Section 4A-106 or 4A-106.5 of this Act shall, within 7 days  
10 after May 1, notify such person by certified mail of his or her  
11 failure to file by the specified date. Except as may be  
12 prescribed by rule of the Secretary of State, such person  
13 shall file his or her statement of economic interests on or  
14 before May 15 with the appropriate officer, together with a  
15 \$15 late filing fee. Any such person who fails to file by May  
16 15 shall be subject to a penalty of \$100 for each day from May  
17 16 to the date of filing, which shall be in addition to the \$15  
18 late filing fee specified above. Failure to file by May 31  
19 shall result in a forfeiture in accordance with Section 4A-107  
20 of this Act.

21 Any person who takes office or otherwise becomes required  
22 to file a statement of economic interests within 30 days prior  
23 to May 1 of any year may file his or her statement at any time  
24 on or before May 31 without penalty. If such person fails to  
25 file such statement by May 31, the officer with whom such  
26 statement is to be filed under Section 4A-106 or 4A-106.5 of



1 this Act shall, within 7 days after May 31, notify such person  
2 by certified mail of his or her failure to file by the  
3 specified date. Such person shall file his or her statement of  
4 economic interests on or before June 15 with the appropriate  
5 officer, together with a \$15 late filing fee. Any such person  
6 who fails to file by June 15 shall be subject to a penalty of  
7 \$100 per day for each day from June 16 to the date of filing,  
8 which shall be in addition to the \$15 late filing fee specified  
9 above. Failure to file by June 30 shall result in a forfeiture  
10 in accordance with Section 4A-107 of this Act.

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

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

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

10 Notwithstanding any provision of law or rule to the  
11 contrary, the deadlines for filing statements of economic  
12 interests under this Section on or after March 17, 2020 shall  
13 be suspended until August 1, 2020.

14 (Source: P.A. 101-221, eff. 8-9-19; 101-640, eff. 6-12-20.)

15 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

16 Sec. 4A-106. Persons filing statements with Secretary of  
17 State; notice; certification of list of names; alphabetical  
18 list; receipt; examination and copying of statements. The  
19 statements of economic interests required of persons listed in  
20 Section 4A-101 shall be filed with the Secretary of State. On  
21 or before February 1 annually, the chief administrative  
22 officer of any State agency in the executive, legislative, or  
23 judicial branch employing persons required to file under item  
24 (f) or item (l) of Section 4A-101 and the chief administrative  
25 officer of a board or panel described in item (n) or (p) of

1 Section 4A-101 shall certify to the Secretary of State the  
2 names and mailing addresses of those persons. In preparing the  
3 lists, each chief administrative officer, or his or her  
4 designee, shall set out the names in alphabetical order.

5 On or before April 1 annually, the Secretary of State  
6 shall notify (1) all persons whose names have been certified  
7 to him under items (f), (l), (n), and (p) of Section 4A-101,  
8 and (2) all persons described in items (a) through (e) and item  
9 (j) of Section 4A-101, other than candidates for office who  
10 have filed their statements with their nominating petitions,  
11 of the requirements for filing statements of economic  
12 interests. A person required to file with the Secretary of  
13 State by virtue of more than one position as listed in Section  
14 4A-101, and filing his or her statement of economic interests  
15 in writing, rather than through the Internet-based system,  
16 shall be notified of and is required to file only one statement  
17 of economic interests relating to all items under which the  
18 person is required to file with the Secretary of State.

19 In addition to other notice required under this Section,  
20 on or before January 1 annually, the Secretary of State shall  
21 notify: (i) persons holding elective office in the Executive  
22 Branch of State government; (ii) persons serving as the head  
23 of a department of State government as provided under Section  
24 5-20 of the Departments of State Government Law of the Civil  
25 Administrative Code of Illinois; and (iii) members of a  
26 Commission or Board created by the Illinois Constitution of

1 the requirement for filing, on a quarterly basis, a statement  
2 of economic interests regarding interests required to be  
3 disclosed under paragraph (1) of subsection (b) of Section  
4 4A-102.

5 Except as provided in Section 4A-106.1, the notices  
6 provided for in this Section shall be in writing and deposited  
7 in the U.S. Mail, properly addressed, first class postage  
8 prepaid, on or before the day required by this Section for the  
9 sending of the notice. A certificate executed by the Secretary  
10 of State attesting that he or she has sent the notice by the  
11 means permitted by this Section constitutes prima facie  
12 evidence thereof.

13 Any person who files or has filed a statement of economic  
14 interest under this Section is entitled to receive from the  
15 Secretary of State a receipt indicating that the person has  
16 filed such a statement, the date of such filing, and the  
17 identity of the governmental unit or units in relation to  
18 which the filing is required.

19 The Secretary of State may employ such employees and  
20 consultants as he considers necessary to carry out his duties  
21 hereunder, and may prescribe their duties, fix their  
22 compensation, and provide for reimbursement of their expenses.

23 All statements of economic interests filed under this  
24 Section shall be available for examination and copying by the  
25 public at all reasonable times. Not later than 12 months after  
26 the effective date of this amendatory Act of the 93rd General

1 Assembly, beginning with statements filed in calendar year  
2 2004, the Secretary of State shall make statements of economic  
3 interests filed with the Secretary available for inspection  
4 and copying via the Secretary's website.

5 (Source: P.A. 101-221, eff. 8-9-19.)