



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4902

Introduced 1/15/2010, by Rep. Elizabeth Coulson

#### SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-100 new	
5 ILCS 420/4A-102	from Ch. 127, par. 604A-102
5 ILCS 420/4A-102.5 new	
5 ILCS 420/4A-103	from Ch. 127, par. 604A-103
5 ILCS 420/4A-104	from Ch. 127, par. 604A-104
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. With respect to statements of economic interests, makes changes concerning: interests of spouses and immediate family members living with the person required to file; development of forms by the Secretary of State that replicate federal forms; supplemental filings by board and commission appointees; electronic filing; posting of statements by the Secretary of State in a searchable database on the Internet; and training by the Secretary of State for ethics officers and persons required to file statements. Effective immediately.

LRB096 17444 JAM 32800 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning ethics.

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-102, 4A-103, 4A-104, 4A-105, and 4A-106  
6 and by adding Sections 4A-100 and 4A-102.5 as follows:

7 (5 ILCS 420/4A-100 new)

8 Sec. 4A-100. Definitions. As used in this Article:

9 (a) "Immediate family member" means a spouse, parent,  
10 brother, sister, or child of the reporting individual sharing  
11 the same household.

12 (b) "Income" means income derived from any source,  
13 including but not limited to the following: (i) compensation  
14 for services, including fees, commissions, and similar items;  
15 (ii) gross income derived from business (and net income if the  
16 person elects to include it); (iii) gains received from  
17 dealings in property; (iv) interest; (v) rents; (vi) royalties;  
18 (vii) dividends; (viii) annuities; (ix) income from life  
19 insurance and endowment contracts; (x) pensions; (xi) income  
20 from discharge of indebtedness; (xii) distributive share of  
21 partnership income; and (xiii) income from an interest in an  
22 estate or trust. "Income" does not include campaign receipts  
23 reported on financial disclosure reports filed with the State

1 Board of Elections, unless such receipts are claimed for  
2 personal use.

3 (c) "Category of value" means the following classification  
4 system: (i) not more than \$1,000, (ii) greater than \$1,000 but  
5 not more than \$2,500, (iii) greater than \$2,500 but not more  
6 than \$5,000, (iv) greater than \$5,000 but not more than  
7 \$15,000, (v) greater than \$15,000 but not more than \$50,000,  
8 (vi) greater than \$50,000 but not more than \$100,000, (vii)  
9 greater than \$100,000 but not more than \$1,000,000, (viii)  
10 greater than \$1,000,000 but not more than \$5,000,000, or (ix)  
11 greater than \$5,000,000.

12 (d) "Constructive control." An interest may be said to be  
13 constructively controlled by the person filing the report if  
14 the person filing the report is a trustee, proxy, guardian, or  
15 advisor with regard to decisions to acquire, retain, or divest  
16 all or any portion of an interest.

17 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

18 Sec. 4A-102. The statement of economic interests required  
19 by this Article shall include the economic interests of the  
20 person making the statement as provided in this Section. The  
21 interest ~~(if constructively controlled by the person making the~~  
22 ~~statement)~~ of a spouse, or any other party if constructively  
23 controlled by the person making the statement, shall be  
24 considered to be the same as the interest of the person making  
25 the statement. ~~Campaign receipts shall not be included in this~~

1 ~~statement.~~

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

4 (1) The source, type, and amount or value of income  
5 (other than income referred in subsection (a)(2)) from any  
6 source other than from current employment by the State of  
7 Illinois.

8 (2) The source and type of income which consists of  
9 income from dividends, rents, interest, trusts, and  
10 capital gains, received during the preceding calendar year  
11 which exceeds \$200 in amount or value, and an indication of  
12 the appropriate category of value such item of income is  
13 within.

14 (3) The source, date, and amount of payments made to  
15 charitable organizations in lieu of honoraria with a  
16 corresponding list of recipients of all such payments,  
17 together with the dates and amounts of such payments.

18 (4) The identity and category of value of any interest  
19 in property held during the preceding calendar year in a  
20 trade or business or for investment or production of  
21 income, if the property has a fair market value in excess  
22 of \$1,000 at the close of the preceding calendar year. This  
23 item does not include any personal liability owed (i) to  
24 the person filing the statement by his or her immediate  
25 family members or (ii) to the spouse of the person filing  
26 the statement. This item also does not include deposits

1 aggregating \$5,000 or less in a personal savings account,  
2 including certificates of deposit and any other form of  
3 deposit in a bank, savings and loan association, credit  
4 union, or similar financial institution.

5 (5) The identity and category of value of the total  
6 liabilities in excess of \$5,000 owed at any time during the  
7 preceding calendar year to any creditor other than (i) an  
8 immediate family member of the person filing the statement  
9 or (ii) an immediate family member of the spouse of the  
10 person filing the statement. This item does not include:

11 (A) Any mortgage secured by real property that is  
12 the primary personal residence of the person filing the  
13 statement.

14 (B) Any loan secured by a personal motor vehicle,  
15 household furniture, appliances, or other similar  
16 effect if the loan does not exceed the purchase price  
17 of the item or items that secure it.

18 (C) Any debt owed by a political committee  
19 associated with the person filing the statement,  
20 provided that such debt is reported as required by  
21 Article 9 of the Election Code.

22 With regard to revolving charge accounts, the person filing  
23 the statement need report only his or her outstanding aggregate  
24 liability across all accounts, and only if in excess of \$10,000  
25 at the close of the preceding calendar year.

26 (6) A brief description, the date, and the category of

1 value of any purchase, sale, or exchange in excess of  
2 \$1,000 during the preceding calendar year of (i) real  
3 property other than real property used solely for the  
4 primary personal residence of the person filing the  
5 statement or his or her spouse or (ii) stocks, bonds,  
6 commodity futures, and other forms of securities. This item  
7 does not apply to transactions solely by and between the  
8 person filing the statement and his or her immediate family  
9 members.

10 (7) The identity of all positions held during the  
11 preceding calendar year as an officer, director, trustee,  
12 partner, proprietor, representative, employee, or  
13 consultant of any corporation, company, firm, partnership,  
14 other business enterprise, non-profit organization, labor  
15 organization, or educational or other institution of the  
16 State, a unit of government, a school district, or the  
17 United States. This item does not apply to positions in  
18 religious, social, fraternal, or political organizations  
19 or positions of a solely honorary nature.

20 (8) The date of, the parties to, and a description of  
21 the terms of any agreement or arrangement with respect to  
22 (i) future employment; (ii) a leave of absence from the  
23 unit of government in relation to which the person is  
24 required to file the statement; (iii) contributions or  
25 payments by a former employer other than the unit of  
26 government in relation to which the person is required to

1 file the statement; and (iv) continuing participation in an  
2 employee welfare or benefit plan with a former employer.

3 (9) The source, date, and amount of honoraria  
4 aggregating \$200 or more during the preceding calendar  
5 year.

6 (10) The source, date, and amount or value of any gift  
7 or gifts (i) valued singularly or in the aggregate in  
8 excess of \$500 during the preceding calendar year to the  
9 person filing the statement or an immediate family member  
10 of the person filing the statement, from any person other  
11 than an immediate family member or (ii) from a prohibited  
12 source as defined by the State Officials and Employees  
13 Ethics Act, even if that source is also an immediate family  
14 member, and within any of the following captioned items  
15 listed in Section 10-15 of that Act, regardless of whether  
16 the person filing the statement is otherwise subject to  
17 that Act: educational materials and missions; and travel  
18 expenses for a meeting to discuss State government.

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;~~

26 ~~(2) The nature of professional services (other~~

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

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

12 (11) ~~(4)~~ The name of any unit of government which  
13 has employed the person making the statement during the  
14 preceding calendar year other than the unit or units of  
15 government in relation to which the person is required  
16 to file.

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

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

24 (1) (Blank.) ~~The name and instrument of ownership~~  
25 ~~in any entity doing business in the State of Illinois,~~  
26 ~~in which an ownership interest held by the person at~~

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

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

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

23 (c) The following interests shall also be listed by  
24 persons listed in items (g), (h), (i), and (o) of Section  
25 4A-101:

26 (1) The name and instrument of ownership in any

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

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

19           (3) The name of any entity and the nature of the  
20          governmental action requested by any entity which has  
21          applied to a unit of local government in relation to  
22          which the person must file for any license, franchise  
23          or permit for annexation, zoning or rezoning of real  
24          estate during the preceding calendar year if the  
25          ownership interest of the person filing is in excess of  
26          \$5,000 fair market value at the time of filing or if

1 income or dividends in excess of \$1,200 were received  
2 by the person filing from the entity during the  
3 preceding calendar year.

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

9 (Source: P.A. 96-6, eff. 4-3-09.)

10 (5 ILCS 420/4A-102.5 new)

11 Sec. 4A-102.5. Appointee supplemental statement. Persons  
12 filing statements of economic interests as a result of their  
13 nomination to a board or commission shall also, at the same  
14 time and in the same manner, file a supplement to the statement  
15 containing the following information:

16 (1) Any contributions, in excess of \$150 in the  
17 aggregate, to any political committee organized under the  
18 Election Code made since the end of the last preceding  
19 semi-annual (until January 1, 2011) or quarterly  
20 (beginning January 1, 2011) disclosure period and the date  
21 the person files the statement of economic interests,  
22 including the amount of the contribution, the date, and the  
23 recipient.

24 (2) Any contribution made to a legal defense fund since  
25 the filing of the last previous statement of economic

1 interests or, if the person is filing his or her first  
2 statement of economic interests, in the 12 months preceding  
3 the filing date.

4 (3) The name of any immediate family member who is  
5 registered as a lobbyist with any State or federal agency  
6 or office.

7 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)  
8 Sec. 4A-103. The statement of economic interests required  
9 by this Article to be filed with the Secretary of State shall  
10 be ~~filled in by typewriting or hand printing,~~ shall be  
11 verified, dated, ~~and~~ signed by manual or electronic means as  
12 appropriate by the person making the statement, and made in a  
13 form prescribed by the Secretary of State that shall, in paper  
14 and electronic formats, substantially replicate the design of  
15 the 2002 Public Financial Disclosure Report forms employed by  
16 the United States Congress for purposes of complying with the  
17 Ethics in Government Act of 1978. ~~and shall contain~~  
18 ~~substantially the following:~~

19 ~~STATEMENT OF ECONOMIC INTEREST~~

20 ~~(TYPE OR HAND PRINT)~~

21 .....

22 ~~(name)~~

23 .....

24 ~~(each office or position of employment for which this statement~~  
25 ~~is filed)~~

1 .....  
2

~~(full mailing address)~~

3 ~~GENERAL DIRECTIONS:~~

4 ~~The interest (if constructively controlled by the person~~  
5 ~~making the statement) of a spouse or any other party, shall be~~  
6 ~~considered to be the same as the interest of the person making~~  
7 ~~the statement.~~

8 ~~Campaign receipts shall not be included in this statement.~~

9 ~~If additional space is needed, please attach supplemental~~  
10 ~~listing.~~

11 ~~1. List the name and instrument of ownership in any entity~~  
12 ~~doing business in the State of Illinois, in which the ownership~~  
13 ~~interest held by the person at the date of filing is in excess~~  
14 ~~of \$5,000 fair market value or from which dividends in excess~~  
15 ~~of \$1,200 were derived during the preceding calendar year. (In~~  
16 ~~the case of real estate, location thereof shall be listed by~~  
17 ~~street address, or if none, then by legal description.) No time~~  
18 ~~or demand deposit in a financial institution, nor any debt~~  
19 ~~instrument need be listed.~~

20 ~~Business Entity~~

~~Instrument of Ownership~~

21 .....  
22 .....  
23 .....  
24 .....

25 ~~2. List the name, address and type of practice of any~~  
26 ~~professional organization in which the person making the~~

1 ~~statement was an officer, director, associate, partner or~~  
 2 ~~proprietor or served in any advisory capacity, from which~~  
 3 ~~income in excess of \$1,200 was derived during the preceding~~  
 4 ~~calendar year.~~

Name	Address	Type of Practice
.....	.....	.....
.....	.....	.....
.....	.....	.....

9 ~~3. List the nature of professional services rendered (other~~  
 10 ~~than to the State of Illinois) to each entity from which income~~  
 11 ~~exceeding \$5,000 was received for professional services~~  
 12 ~~rendered during the preceding calendar year by the person~~  
 13 ~~making the statement.~~

14 .....

15 .....

16 ~~4. List the identity (including the address or legal~~  
 17 ~~description of real estate) of any capital asset from which a~~  
 18 ~~capital gain of \$5,000 or more was realized during the~~  
 19 ~~preceding calendar year.~~

20 .....

21 .....

22 ~~5. List the identity of any compensated lobbyist with whom~~  
 23 ~~the person making the statement maintains a close economic~~  
 24 ~~association, including the name of the lobbyist and specifying~~  
 25 ~~the legislative matter or matters which are the object of the~~  
 26 ~~lobbying activity, and describing the general type of economic~~

1 ~~activity of the client or principal on whose behalf that person~~  
2 ~~is lobbying.~~

3	<del>Lobbyist</del>	<del>Legislative Matter</del>	<del>Client or Principal</del>
4	<del>.....</del>	<del>.....</del>	<del>.....</del>
5	<del>.....</del>	<del>.....</del>	<del>.....</del>

6 ~~6. List the name of any entity doing business in the State~~  
7 ~~of Illinois from which income in excess of \$1,200 was derived~~  
8 ~~during the preceding calendar year other than for professional~~  
9 ~~services and the title or description of any position held in~~  
10 ~~that entity. (In the case of real estate, location thereof~~  
11 ~~shall be listed by street address, or if none, then by legal~~  
12 ~~description). No time or demand deposit in a financial~~  
13 ~~institution nor any debt instrument need be listed.~~

14	<del>Entity</del>	<del>Position Held</del>
15	<del>.....</del>	<del>.....</del>
16	<del>.....</del>	<del>.....</del>
17	<del>.....</del>	<del>.....</del>

18 ~~7. List the name of any unit of government which employed~~  
19 ~~the person making the statement during the preceding calendar~~  
20 ~~year other than the unit or units of government in relation to~~  
21 ~~which the person is required to file.~~

22	<del>.....</del>
23	<del>.....</del>

24 ~~8. List the name of any entity from which a gift or gifts,~~  
25 ~~or honorarium or honoraria, valued singly or in the aggregate~~  
26 ~~in excess of \$500, was received during the preceding calendar~~

1 ~~year.~~

2 ~~.....~~

3 ~~VERIFICATION:~~

4 ~~"I declare that this statement of economic interests~~  
 5 ~~(including any accompanying schedules and statements) has been~~  
 6 ~~examined by me and to the best of my knowledge and belief is a~~  
 7 ~~true, correct and complete statement of my economic interests~~  
 8 ~~as required by the Illinois Governmental Ethics Act. I~~  
 9 ~~understand that the penalty for willfully filing a false or~~  
 10 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~  
 11 ~~imprisonment in a penal institution other than the penitentiary~~  
 12 ~~not to exceed one year, or both fine and imprisonment."~~

13 ~~.....~~ ~~.....~~

14 ~~(date of filing)~~ ~~(signature of person making the statement)~~

15 (Source: P.A. 95-173, eff. 1-1-08.)

16 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

17 Sec. 4A-104. The statement of economic interests required  
 18 by this Article to be filed with the county clerk shall be  
 19 ~~filled in by typewriting or hand printing, shall be~~ verified,  
 20 dated, ~~and~~ signed by manual or electronic means as appropriate  
 21 by the person making the statement, and made on a form  
 22 prescribed by the Secretary of State that shall substantially  
 23 replicate the design of the 2002 Public Financial Disclosure  
 24 Report forms employed by the United States Congress for  
 25 purposes of complying with the Ethics in Government Act of

1 ~~1978. shall contain substantially the following:~~

2 ~~STATEMENT OF ECONOMIC INTERESTS~~

3 ~~(TYPE OR HAND PRINT)~~

4 .....

5 ~~(Name)~~

6 .....

7 ~~(each office or position of employment for which this statement~~  
8 ~~is filed) .....~~

9 ~~(full mailing address)~~

10 ~~GENERAL DIRECTIONS:~~

11 ~~The interest (if constructively controlled by the person~~  
12 ~~making the statement) of a spouse or any other party, shall be~~  
13 ~~considered to be the same as the interest of the person making~~  
14 ~~the statement.~~

15 ~~Campaign receipts shall not be included in this statement.~~

16 ~~If additional space is needed, please attach supplemental~~  
17 ~~listing.~~

18 ~~1. List the name and instrument of ownership in any entity~~  
19 ~~doing business with a unit of local government in relation to~~  
20 ~~which the person is required to file, in which the ownership~~  
21 ~~interest held by the person at the date of filing is in excess~~  
22 ~~of \$5,000 fair market value or from which dividends in excess~~  
23 ~~of \$1,200 were received during the preceding calendar year. (In~~  
24 ~~the case of real estate, location thereof shall be listed by~~  
25 ~~street address, or if none, then by legal description.) No time~~  
26 ~~or demand deposit in a financial institution, nor any debt~~

1 ~~instrument shall be listed.~~

Business Entity	<del>Instrument of Ownership</del>	Position of Management
.....	.....	.....
.....	.....	.....
.....	.....	.....

7       ~~2. List the name, address and type of practice of any~~  
8 ~~professional organization in which the person making the~~  
9 ~~statement was an officer, director, associate, partner or~~  
10 ~~proprietor, or served in any advisory capacity, from which~~  
11 ~~income in excess of \$1,200 was derived during the preceding~~  
12 ~~calendar year.~~

Name	Address	<del>Type of Practice</del>
.....	.....	.....
.....	.....	.....
.....	.....	.....

17       ~~3. List the nature of professional services rendered (other~~  
18 ~~than to the unit or units of local government in relation to~~  
19 ~~which the person is required to file) to each entity from which~~  
20 ~~income exceeding \$5,000 was received for professional services~~  
21 ~~rendered during the preceding calendar year by the person~~  
22 ~~making the statement.~~

.....
.....

25       ~~4. List the identity (including the address or legal~~  
26 ~~description of real estate) of any capital asset from which a~~

1 ~~capital gain of \$5,000 or more was realized during the~~  
2 ~~preceding calendar year.~~

3 .....  
4 .....  
5 .....

6 ~~5. List the name of any entity and the nature of the~~  
7 ~~governmental action requested by any entity which has applied~~  
8 ~~to a unit of local government in relation to which the person~~  
9 ~~must file for any license, franchise or permit for annexation,~~  
10 ~~zoning or rezoning of real estate during the preceding calendar~~  
11 ~~year if the ownership interest of the person filing is in~~  
12 ~~excess of \$5,000 fair market value at the time of filing or if~~  
13 ~~income or dividends in excess of \$1200 were received by the~~  
14 ~~person filing from the entity during the preceding calendar~~  
15 ~~year.~~

16 .....  
17 .....  
18 .....

19 ~~6. List the name of any entity doing business with a unit~~  
20 ~~of local government in relation to which the person is required~~  
21 ~~to file from which income in excess of \$1,200 was derived~~  
22 ~~during the preceding calendar year other than for professional~~  
23 ~~services and the title or description of any position held in~~  
24 ~~that entity. No time or demand deposit in a financial~~  
25 ~~institution nor any debt instrument need be listed.~~

26 .....

1 .....  
.....

2 ~~7. List the name of any unit of government which employed~~  
3 ~~the person making the statement during the preceding calendar~~  
4 ~~year other than the unit or units of government in relation to~~  
5 ~~which the person is required to file.~~

6 .....  
.....

7 .....  
.....

8 ~~8. List the name of any entity from which a gift or gifts,~~  
9 ~~or honorarium or honoraria, valued singly or in the aggregate~~  
10 ~~in excess of \$500, was received during the preceding calendar~~  
11 ~~year.~~

12 .....  
.....

13 ~~VERIFICATION:~~

14 ~~"I declare that this statement of economic interests~~  
15 ~~(including any accompanying schedules and statements) has been~~  
16 ~~examined by me and to the best of my knowledge and belief is a~~  
17 ~~true, correct and complete statement of my economic interests~~  
18 ~~as required by the Illinois Governmental Ethics Act. I~~  
19 ~~understand that the penalty for willfully filing a false or~~  
20 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~  
21 ~~imprisonment in a penal institution other than the penitentiary~~  
22 ~~not to exceed one year, or both fine and imprisonment."~~

23 .....  
.....

24 ~~(date of filing) (signature of person making the statement)~~

25 (Source: P.A. 95-173, eff. 1-1-08.)

1 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

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

8 Statements must also be filed as follows:

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

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

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

26 (c) Any other person required by this Article to file

1           the statement shall file a statement at the time of his or  
2           her initial appointment or employment in relation to that  
3           unit of government if appointed or employed by May 1.

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

18          Any person who takes office or otherwise becomes required  
19          to file a statement of economic interests within 30 days prior  
20          to May 1 of any year may file his or her statement at any time  
21          on or before May 31 without penalty. If such person fails to  
22          file such statement by May 31, the officer with whom such  
23          statement is to be filed under Section 4A-106 of this Act  
24          shall, within 7 days after May 31, notify such person by  
25          certified mail of his or her failure to file by the specified  
26          date. Such person shall file his or her statement of economic

1 interests on or before June 15 with the appropriate officer,  
2 together with a \$15 late filing fee. Any such person who fails  
3 to file by June 15 shall be subject to a penalty of \$100 per day  
4 for each day from June 16 to the date of filing, which shall be  
5 in addition to the \$15 late filing fee specified above. Failure  
6 to file by June 30 shall result in a forfeiture in accordance  
7 with Section 4A-107 of this Act.

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

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

24 Beginning with statements required to be filed on or after  
25 May 1, 2009, the officer with whom a statement is to be filed  
26 may, in his or her discretion, waive the late filing fee, the

1 monetary late filing penalty, and the ineligibility for or  
2 forfeiture of office or position for failure to file when the  
3 person's late filing of a statement or failure to file a  
4 statement is due to his or her (i) serious or catastrophic  
5 illness that renders the person temporarily incapable of  
6 completing the statement or (ii) military service.

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

8 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

9 Sec. 4A-106. Notification; electronic filing.

10 (a) The statements of economic interests required of  
11 persons listed in items (a) through (f), item (j), item (l),  
12 and item (n) of Section 4A-101 shall be filed with the  
13 Secretary of State. The Secretary of State shall by rule  
14 provide for the electronic filing of statements as follows:

15 Beginning January 1, 2011, or as soon thereafter as the  
16 Secretary of State has provided adequate software to persons  
17 required to file under this Article, all Statements filed under  
18 this Article shall be filed in electronic format. The Secretary  
19 shall promptly upon verification make all statements filed  
20 under this Article publicly available by means of a searchable  
21 database that is accessible through the World Wide Web.  
22 "Searchable" means, for the purpose of this Section, that any  
23 person may query each question for any proper names and  
24 addresses. The Secretary of State shall provide all software  
25 necessary to comply with this Section and shall implement a

1 plan to provide computer access and assistance to persons  
2 required to file by this Article.

3 (b) The statements of economic interests required of  
4 persons listed in items (g), (h), (i), (k), and (o) of Section  
5 4A-101 shall be filed with the county clerk of the county in  
6 which the principal office of the unit of local government with  
7 which the person is associated is located. If it is not  
8 apparent which county the principal office of a unit of local  
9 government is located, the chief administrative officer, or his  
10 or her designee, has the authority, for purposes of this Act,  
11 to determine the county in which the principal office is  
12 located.

13 (c) On or before February 1 annually, ~~(1)~~ the chief  
14 administrative officer of any State agency in the executive,  
15 legislative, or judicial branch employing persons required to  
16 file under item (f) or item (l) of Section 4A-101 and the chief  
17 administrative officer of a board described in item (n) of  
18 Section 4A-101 shall certify to the Secretary of State the  
19 names and mailing addresses of those persons. The State Board  
20 of Elections shall, within 14 days after the proclamation of  
21 the results of a general primary pursuant to Section 7-58 of  
22 the Election Code, provide the Secretary of State with a true  
23 alphabetical listing of the names and related information,  
24 including their addresses and the office they are seeking, of  
25 candidates who were nominated in a general primary election. 7  
26 and (2)

1       (d) On or before February 1 annually, the chief  
2 administrative officer, or his or her designee, of each unit of  
3 local government with persons described in items (h), (i) and  
4 (k) and a board described in item (o) of Section 4A-101 shall  
5 certify to the appropriate county clerk a list of names and  
6 addresses of persons described in items (h), (i), (k), and (o)  
7 of Section 4A-101 that are required to file. In preparing the  
8 lists, each chief administrative officer, or his or her  
9 designee, shall set out the names in alphabetical order. Any  
10 local election authority shall within 14 days after  
11 proclamation of the results of a primary election, provide the  
12 county clerk with a true alphabetical listing of the names and  
13 related information, including their addresses and the office  
14 they are seeking, of candidates who nominated in a general  
15 primary election. Any county clerk who makes available in his  
16 or her principal offices terminals by means of which the  
17 general public may access statements of economic interest filed  
18 with the Secretary of State's office and posted to the  
19 Secretary of State's website may waive the requirement that a  
20 person file a paper form with that county clerk with respect to  
21 persons whose forms have been electronically filed with the  
22 Secretary of State's office.

23       (e) On or before April 1 annually, the Secretary of State  
24 shall notify (1) all persons whose names have been certified to  
25 him under items (f), (l), and (n) of Section 4A-101, and (2)  
26 all persons described in items (a) through (e) and item (j) of

1 Section 4A-101, together, in even-numbered years, with the  
2 names of candidates nominated at the most recent general  
3 primary, ~~other than candidates for office who have filed their~~  
4 ~~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 item among items (a) through (f) and items  
8 (j), (l), and (n) shall be notified of and is required to file  
9 only one statement of economic interests relating to all items  
10 under which the person is required to file with the Secretary  
11 of State.

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

23 (g) Except as provided in Section 4A-106.1, the notices  
24 provided for in this Section shall be in writing and deposited  
25 in the U.S. Mail, properly addressed, first class postage  
26 prepaid, on or before the day required by this Section for the

1 sending of the notice. A certificate executed by the Secretary  
2 of State or county clerk attesting that he has mailed the  
3 notice constitutes prima facie evidence thereof.

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

15 (i) The county clerk of each county shall note upon the  
16 alphabetical listing the names of all persons required to file  
17 a statement of economic interests who failed to file a  
18 statement on or before May 1. It shall be the duty of the  
19 several county clerks to give notice as provided in Section  
20 4A-105 to any person who has failed to file his or her  
21 statement with the clerk on or before May 1.

22 (j) Any person who files or has filed a statement of  
23 economic interest under this Act is entitled to receive from  
24 the Secretary of State or county clerk, as the case may be, a  
25 receipt indicating that the person has filed such a statement,  
26 the date of such filing, and the identity of the governmental

1 unit or units in relation to which the filing is required. A  
2 county clerk shall issue such receipt either on proof that the  
3 person has filed with the Secretary of State in electronic  
4 format or upon receipt of a paper form.

5 (k) The Secretary of State may employ such employees and  
6 consultants as he considers necessary to carry out his duties  
7 hereunder, and may prescribe their duties, fix their  
8 compensation, and provide for reimbursement of their expenses.

9 (l) The Secretary of State shall provide training, through  
10 the Secretary of State's website, for ethics officers appointed  
11 under the State Officers and Employees Ethics Act and through  
12 the Secretary of State's website, for persons required to file  
13 statements of economic interests.

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

22 (Source: P.A. 96-6, eff. 4-3-09.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.