



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1592

Introduced 2/19/2009, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-105	from Ch. 127, par. 604A-105
5 ILCS 420/4A-107	from Ch. 127, par. 604A-107

Amends the Illinois Governmental Ethics Act. Permits the Secretary of State and county clerks to waive fees and penalties when a person files a statement of economic interests late, or fails to file the statement, due to his or her serious or catastrophic illness or military service. Effective immediately.

LRB096 00010 JAM 11974 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-105 and 4A-107 as follows:

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

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

13 Statements must also be filed as follows:

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

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

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

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

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

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

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

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

23 Failure to file a statement of economic interests within
24 the time prescribed shall not result in a fine or ineligibility
25 for, or forfeiture of, office or position of employment, as the
26 case may be; provided that the failure to file results from not

1 being included for notification by the appropriate agency,
2 clerk, secretary, officer or unit of government, as the case
3 may be, and that a statement is filed within 30 days of actual
4 notice of the failure to file.

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

14 (Source: P.A. 93-617, eff. 12-9-03.)

15 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

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

20 Except when the fees and penalties for late filing have
21 been waived under Section 4A-105, failure ~~Failure~~ to file a
22 statement within the time prescribed shall result in
23 ineligibility for, or forfeiture of, office or position of
24 employment, as the case may be; provided, however, that if the
25 notice of failure to file a statement of economic interests

1 provided in Section 4A-105 of this Act is not given by the
2 Secretary of State or the county clerk, as the case may be, no
3 forfeiture shall result if a statement is filed within 30 days
4 of actual notice of the failure to file.

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

16 (Source: P.A. 93-617, eff. 12-9-03.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.