

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-106 and by adding Section 4A-108 as
6 follows:

7 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

8 Sec. 4A-106. The statements of economic interests required
9 of persons listed in items (a) through (f), item (j), item (l),
10 and item (n) of Section 4A-101 shall be filed with the
11 Secretary of State. The statements of economic interests
12 required of persons listed in items (g), (h), (i), (k), and (o)
13 of Section 4A-101 shall be filed with the county clerk of the
14 county in which the principal office of the unit of local
15 government with which the person is associated is located. If
16 it is not apparent which county the principal office of a unit
17 of local government is located, the chief administrative
18 officer, or his or her designee, has the authority, for
19 purposes of this Act, to determine the county in which the
20 principal office is located. On or before February 1 annually,
21 (1) the chief administrative officer of any State agency in the
22 executive, legislative, or judicial branch employing persons
23 required to file under item (f) or item (l) of Section 4A-101

1 and the chief administrative officer of a board described in
2 item (n) of Section 4A-101 shall certify to the Secretary of
3 State the names and mailing addresses of those persons, and (2)
4 the chief administrative officer, or his or her designee, of
5 each unit of local government with persons described in items
6 (h), (i) and (k) and a board described in item (o) of Section
7 4A-101 shall certify to the appropriate county clerk a list of
8 names and addresses of persons described in items (h), (i),
9 (k), and (o) of Section 4A-101 that are required to file. In
10 preparing the lists, each chief administrative officer, or his
11 or her designee, shall set out the names in alphabetical order.

12 On or before April 1 annually, the Secretary of State shall
13 notify (1) all persons whose names have been certified to him
14 under items (f), (l), and (n) of Section 4A-101, and (2) all
15 persons described in items (a) through (e) and item (j) of
16 Section 4A-101, other than candidates for office who have filed
17 their statements with their nominating petitions, of the
18 requirements for filing statements of economic interests. A
19 person required to file with the Secretary of State by virtue
20 of more than one item among items (a) through (f) and items
21 (j), (l), and (n) shall be notified of and is required to file
22 only one statement of economic interests relating to all items
23 under which the person is required to file with the Secretary
24 of State.

25 On or before April 1 annually, the county clerk of each
26 county shall notify all persons whose names have been certified

1 to him under items (g), (h), (i), (k), and (o) of Section
2 4A-101, other than candidates for office who have filed their
3 statements with their nominating petitions, of the
4 requirements for filing statements of economic interests. A
5 person required to file with a county clerk by virtue of more
6 than one item among items (g), (h), (i), (k), and (o) shall be
7 notified of and is required to file only one statement of
8 economic interests relating to all items under which the person
9 is required to file with that county clerk.

10 Except as provided in Section 4A-106.1, the notices
11 provided for in this Section shall be in writing and deposited
12 in the U.S. Mail, properly addressed, first class postage
13 prepaid, on or before the day required by this Section for the
14 sending of the notice. Alternatively, a county clerk may send
15 the notices electronically to all persons whose names have been
16 thus certified to him under item (h), (i), or (k) of Section
17 4A-101. A certificate executed by the Secretary of State or
18 county clerk attesting that he or she has sent ~~mailed~~ the
19 notice by the means permitted by this Section constitutes prima
20 facie evidence thereof.

21 From the lists certified to him under this Section of
22 persons described in items (g), (h), (i), (k), and (o) of
23 Section 4A-101, the clerk of each county shall compile an
24 alphabetical listing of persons required to file statements of
25 economic interests in his office under any of those items. As
26 the statements are filed in his office, the county clerk shall

1 cause the fact of that filing to be indicated on the
2 alphabetical listing of persons who are required to file
3 statements. Within 30 days after the due dates, the county
4 clerk shall mail to the State Board of Elections a true copy of
5 that listing showing those who have filed statements.

6 The county clerk of each county shall note upon the
7 alphabetical listing the names of all persons required to file
8 a statement of economic interests who failed to file a
9 statement on or before May 1. It shall be the duty of the
10 several county clerks to give notice as provided in Section
11 4A-105 to any person who has failed to file his or her
12 statement with the clerk on or before May 1.

13 Any person who files or has filed a statement of economic
14 interest under this Act is entitled to receive from the
15 Secretary of State or county clerk, as the case may be, a
16 receipt indicating that the person has filed such a statement,
17 the date of such filing, and the identity of the governmental
18 unit or units in relation to 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 and
4 copying via the Secretary's website.

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

6 (5 ILCS 420/4A-108 new)

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

8 (a) Notwithstanding any other provision of this Act or any
9 other law, a county clerk is authorized to institute an
10 Internet-based system for the filing of statements of economic
11 interests in his or her office. The determination to institute
12 such a system shall be in the sole discretion of the county
13 clerk and shall meet the requirements set out in this Section.
14 When this Section does not modify or remove the requirements
15 set forth elsewhere in this Article, those requirements shall
16 apply to any system of Internet-based filing authorized by this
17 Section. When this Section does modify or remove the
18 requirements set forth elsewhere in this Article, the
19 provisions of this Section shall apply to any system of
20 Internet-based filing authorized by this Section.

21 (b) In any system of Internet-based filing of statements of
22 economic interests instituted by a county clerk:

23 (1) Any filing of an Internet-based statement of
24 economic interests shall be the equivalent of the filing of
25 a verified, written statement of economic interests as

1 required by Section 4A-101 and the equivalent of the filing
2 of a verified, dated, and signed statement of economic
3 interests as required by Section 4A-103.

4 (2) A county clerk who institutes a system of
5 Internet-based filing of statements of economic interests
6 shall establish a password-protected web site to receive
7 the filings of such statements. A website established under
8 this Section shall set forth and provide a means of
9 responding to the items set forth in Section 4A-102 that
10 are required of a person who files a statement of economic
11 interests with that officer.

12 (3) The times for the filing of statements of economic
13 interests set forth in Section 4A-105 shall be followed in
14 any system of Internet-based filing of statements of
15 economic interests; provided that a candidate for elective
16 office who is required to file a statement of economic
17 interests in relation to his or her candidacy pursuant to
18 Section 4A-105(a) shall not use the Internet to file his or
19 her statement of economic interests but shall file his or
20 her statement of economic interests in a written or printed
21 form and shall receive a written or printed receipt for his
22 or her filing.

23 (4) Following the institution of a system of
24 Internet-based filing of statements of economic interests
25 by a county clerk, all persons required to file a statement
26 of economic interests with that officer must do so through

1 the system of Internet-based filing of statements of
2 economic interests. As part of his or her system of
3 Internet-based filing of statements of economic interests,
4 a county clerk instituting such a system shall make
5 provision for those persons who are required to file a
6 statement of economic interests and who do not have access
7 to the Internet. In the first year of the implementation of
8 a system of Internet-based filing of statements of economic
9 interests, each person required to file such a statement is
10 to be notified in writing, by a notice deposited in the
11 U.S. mail, properly addressed, first class postage
12 prepaid, of his or her obligation to file his or her
13 statement of economic interests by way of the
14 Internet-based system instituted for that purpose. If
15 access to the web site requires a code or password, this
16 information shall be included in the notice prescribed by
17 this paragraph.

18 (5) When a person required to file a statement of
19 economic interests has supplied a county clerk with an
20 email address for the purpose of receiving notices under
21 this Article by email, a notice sent by email to the
22 supplied email address shall be the equivalent of a notice
23 sent by first class mail, as set forth in Section 4A-106. A
24 person who has supplied such an email address shall notify
25 the county clerk when his or her email address changes or
26 if he or she no longer wishes to receive notices by email.

1 (6) If any person who is required to file a statement
2 of economic interests and who has chosen to receive notices
3 by email fails to file his or her statement by May 10, then
4 the county clerk shall send an additional email notice on
5 that date, informing the person that he or she has not
6 filed and describing the penalties for late filing and
7 failing to file. This notice shall be in addition to other
8 notices provided for in this Article.

9 (7) Each county clerk who institutes a system of
10 Internet-based filing of statements of economic interests
11 may also institute an Internet-based process for the filing
12 of the list of names and addresses of persons required to
13 file statements of economic interests by the chief
14 administrative officers of units of local government that
15 must file such information with that county clerk pursuant
16 to Section 4A-106. Whenever a county clerk institutes such
17 a system under this paragraph, every unit of local
18 government must use the system to file this information.

19 (8) Any county clerk who institutes a system of
20 Internet-based filing of statements of economic interests
21 shall post the contents of such statements filed with him
22 or her available for inspection and copying on a publicly
23 accessible website. Such postings shall not include the
24 addresses of the filers.