

SB3969



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3969

Introduced 11/10/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-108

Amends the Illinois Governmental Ethics Act. In provisions governing the Internet-based filing of statements of economic interests with county clerks, corrects a reference to an erroneous Section number. Effective January 1, 2011.

LRB096 24243 JAM 43693 b

A BILL FOR

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-108 as follows:

6 (5 ILCS 420/4A-108)

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

1 economic interests shall be the equivalent of the filing of
2 a verified, written statement of economic interests as
3 required by Section 4A-101 and the equivalent of the filing
4 of a verified, dated, and signed statement of economic
5 interests as required by Section 4A-104 ~~4A-103~~.

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

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

25 (4) Following the institution of a system of
26 Internet-based filing of statements of economic interests

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

20 (5) When a person required to file a statement of
21 economic interests has supplied a county clerk with an
22 email address for the purpose of receiving notices under
23 this Article by email, a notice sent by email to the
24 supplied email address shall be the equivalent of a notice
25 sent by first class mail, as set forth in Section 4A-106. A
26 person who has supplied such an email address shall notify

1 the county clerk when his or her email address changes or
2 if he or she no longer wishes to receive notices by email.

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

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

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

1 (Source: P.A. 96-1336, eff. 1-1-11.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 99. Effective date. This Act takes effect January
10 1, 2011.