



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1542

Introduced 2/15/2011, by Rep. Elaine Nekritz

#### 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. Replaces a provision that mandated the Internet-based filing of statements of economic interest with a provision that authorizes the filing of those statements by Internet or by standardized form. Effective immediately.

LRB097 08081 JDS 48204 b

FISCAL NOTE ACT  
MAY APPLY

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 and the option to file by  
16 way of the Internet-based system or by way of standardized  
17 form ~~instituted for that purpose.~~ If access to the web site  
18 requires a code or password, this information shall be  
19 included in the notice prescribed by 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 99. Effective date. This Act takes effect upon  
3 becoming law.