



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1670

by Rep. Kelly Burke

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.05	
5 ILCS 120/4	from Ch. 102, par. 44
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-107	from Ch. 127, par. 604A-107
10 ILCS 5/29-25 new	

Amends the Open Meetings Act. Requires elected officials who are first elected after the effective date of the amendatory Act to successfully complete the training program provided by the Public Access Counselor. Provides that, upon the completion of the required training program, the Public Access Counselor shall issue a certificate of completion to the elected official for filing along with his or her statement of economic interests. Provides that an elected official who is required to but fails to complete the required training or who is required to submit a statement of economic interests but, if required to do so, fails to attach the certificate of completion to his or her statement of economic interests shall be ineligible, in any subsequent election, to be a candidate for the office in which he or she is serving at the time of the violation. Exempts from these training requirements elected officials who are elected to serve public bodies that require the attendance of their parliamentarian or attorney at each meeting. Defines "elected official". Also makes technical changes. Amends the Illinois Governmental Ethics Act and the Election Code to make conforming changes.

LRB097 10495 JDS 50792 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 Open Meetings Act is amended by changing  
5 Sections 1.05 and 4 as follows:

6 (5 ILCS 120/1.05)

7 Sec. 1.05. Training.

8 (a) Every public body shall designate employees, officers,  
9 or members to receive training on compliance with this Act.  
10 Each public body shall submit a list of designated employees,  
11 officers, or members to the Public Access Counselor. Within 6  
12 months after the effective date of this amendatory Act of the  
13 96th General Assembly, the designated employees, officers, and  
14 members must successfully complete an electronic training  
15 curriculum, developed and administered by the Public Access  
16 Counselor, and thereafter must successfully complete an annual  
17 training program. Thereafter, whenever a public body  
18 designates an additional employee, officer, or member to  
19 receive this training, that person must successfully complete  
20 the electronic training curriculum within 30 days after that  
21 designation.

22 (b) Except as otherwise provided in this subsection (b),  
23 every person who is not designated under subsection (a) of this

1 Section but who becomes an elected official in the State after  
2 the effective date of this amendatory Act of the 97th General  
3 Assembly must, within 6 months after being elected,  
4 successfully complete the electronic training curriculum  
5 developed and administered by the Public Access Counselor. Upon  
6 the completion of the training required under this subsection  
7 (b), the Public Access Counselor shall issue a certificate of  
8 completion to the elected official for filing with his or her  
9 statement of economic interests under the Illinois  
10 Governmental Ethics Act. An elected official who is required  
11 but fails to comply with the requirements of this subsection  
12 (b) within the prescribed period or who is required to file a  
13 statement of economic interests under the Illinois  
14 Governmental Ethics Act but fails to attach the certificate of  
15 completion issued by the Public Access Counselor to his or her  
16 statement of economic interests, if required to do so, shall be  
17 ineligible, in any subsequent election, to be a candidate for  
18 the office in which he or she is serving at the time of the  
19 violation of this subsection (b).

20 For the purposes of this subsection (b), "elected official"  
21 means a person who is elected to office in accordance with a  
22 State statute to discharge a public duty for the State or any  
23 of its political subdivisions or for a school district or  
24 library district.

25 This subsection (b) does not apply to an elected official  
26 who is elected to serve a public body that requires the

1 attendance of its parliamentarian or attorney at each meeting.

2 (Source: P.A. 96-542, eff. 1-1-10.)

3 (5 ILCS 120/4) (from Ch. 102, par. 44)

4 Sec. 4. Any person violating any of the provisions of this  
5 Act, except subsection (b) of Section 1.05, shall be guilty of  
6 a Class C misdemeanor. An elected official who is required to  
7 comply with the requirements of subsection (b) of Section 1.05  
8 but fails to do so within the prescribed period shall be  
9 ineligible, in any subsequent election, to be a candidate for  
10 the office in which he or she is serving at the time of the  
11 violation of that provision.

12 (Source: P. A. 77-2549.)

13 Section 10. The Illinois Governmental Ethics Act is amended  
14 by changing Sections 4A-103, 4A-104, and 4A-107 as follows:

15 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

16 Sec. 4A-103. The statement of economic interests required  
17 by this Article to be filed with the Secretary of State shall  
18 be filled in by typewriting or hand printing, shall be  
19 verified, dated, and signed by the person making the statement  
20 and shall contain substantially the following:

21 STATEMENT OF ECONOMIC INTEREST

22 (TYPE OR HAND PRINT)

23 .....

1 (name)  
 2 .....  
 3 (each office or position of employment for which this statement  
 4 is filed)  
 5 .....  
 6 (full mailing address)

7 GENERAL DIRECTIONS:

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

12 Campaign receipts shall not be included in this statement.

13 If additional space is needed, please attach supplemental  
 14 listing.

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

24 Business Entity	Instrument of Ownership
25 .....	.....
26 .....	.....

1 .....  
2 .....

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

9	Name	Address	Type of Practice
10	.....	.....	.....
11	.....	.....	.....
12	.....	.....	.....

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

18 .....  
19 .....

20 4. List the identity (including the address or legal  
21 description of real estate) of any capital asset from which a  
22 capital gain of \$5,000 or more was realized during the  
23 preceding calendar year.

24 .....  
25 .....

26 5. List the identity of any compensated lobbyist with whom

1 the person making the statement maintains a close economic  
 2 association, including the name of the lobbyist and specifying  
 3 the legislative matter or matters which are the object of the  
 4 lobbying activity, and describing the general type of economic  
 5 activity of the client or principal on whose behalf that person  
 6 is lobbying.

7 Lobbyist	Legislative Matter	Client or Principal
8 .....	.....	.....
9 .....	.....	.....

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

18 Entity	Position Held
19 .....	.....
20 .....	.....
21 .....	.....

22 7. List the name of any unit of government which employed  
 23 the person making the statement during the preceding calendar  
 24 year other than the unit or units of government in relation to  
 25 which the person is required to file.

26 .....

1 .....

2 8. List the name of any entity from which a gift or gifts,  
3 or honorarium or honoraria, valued singly or in the aggregate  
4 in excess of \$500, was received during the preceding calendar  
5 year.

6 .....

7 9. If the person making the statement must complete  
8 training under subsection (b) of Section 1.05 of the Open  
9 Meetings Act, attach a copy of the certificate of completion  
10 issued to that person by the Public Access Counselor in  
11 accordance with the requirements of that provision.

12 VERIFICATION:

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

22 .....

23 (date of filing) (signature of person making the statement)

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





1 of \$1,200 were received during the preceding calendar year. (In  
 2 the case of real estate, location thereof shall be listed by  
 3 street address, or if none, then by legal description.) No time  
 4 or demand deposit in a financial institution, nor any debt  
 5 instrument shall be listed.

6	Business	Instrument of	Position of
7	Entity	Ownership	Management
8	.....	.....	.....
9	.....	.....	.....
10	.....	.....	.....

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

17	Name	Address	Type of Practice
18	.....	.....	.....
19	.....	.....	.....
20	.....	.....	.....

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

1 .....

2 .....

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

7 .....

8 .....

9 .....

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

20 .....

21 .....

22 .....

23 6. List the name of any entity doing business with a unit  
24 of local government in relation to which the person is required  
25 to file from which income in excess of \$1,200 was derived  
26 during the preceding calendar year other than for professional

1 services and the title or description of any position held in  
2 that entity. No time or demand deposit in a financial  
3 institution nor any debt instrument need be listed.

4 .....  
5 .....

6 7. List the name of any unit of government which employed  
7 the person making the statement during the preceding calendar  
8 year other than the unit or units of government in relation to  
9 which the person is required to file.

10 .....  
11 .....

12 8. List the name of any entity from which a gift or gifts,  
13 or honorarium or honoraria, valued singly or in the aggregate  
14 in excess of \$500, was received during the preceding calendar  
15 year.

16 .....

17 9. If the person making the statement must complete  
18 training under subsection (b) of Section 1.05 of the Open  
19 Meetings Act, attach a copy of the certificate of completion  
20 issued to that person by the Public Access Counselor in  
21 accordance with the requirements of that provision.

22 VERIFICATION:

23 "I declare that this statement of economic interests  
24 (including any accompanying schedules and statements) has been  
25 examined by me and to the best of my knowledge and belief is a  
26 true, correct and complete statement of my economic interests

1 as required by the Illinois Governmental Ethics Act. I  
 2 understand that the penalty for willfully filing a false or  
 3 incomplete statement shall be a fine not to exceed \$1,000 or  
 4 imprisonment in a penal institution other than the penitentiary  
 5 not to exceed one year, or both fine and imprisonment."

6 .....  
 7 (date of filing) (signature of person making the statement)  
 8 (Source: P.A. 95-173, eff. 1-1-08.)

9 (5 ILCS 420/4A-107) (from Ch. 127, par. 604A-107)

10 Sec. 4A-107. Any person required to file a statement of  
 11 economic interests under this Article who willfully files a  
 12 false or incomplete statement shall be guilty of a Class A  
 13 misdemeanor. However, if a person's statement of economic  
 14 interests is incomplete due solely to the fact that he or she  
 15 was required but failed to attach the certificate of completion  
 16 issued by the Public Access Counselor under subsection (b) of  
 17 Section 1.05 of the Open Meetings Act, then he or she shall  
 18 instead be subject to the penalties specified in subsection (b)  
 19 of Section 1.05 of the Open Meetings Act and Section 29-25 of  
 20 the Election Code.

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

1 file a statement of economic interests provided in Section  
2 4A-105 of this Act is not given by the Secretary of State or  
3 the county clerk, as the case may be, no forfeiture shall  
4 result if a statement is filed within 30 days of actual notice  
5 of the failure to file. The Secretary of State shall provide  
6 the Attorney General with the names of persons who failed to  
7 file a statement. The county clerk shall provide the State's  
8 Attorney of the county of the entity for which the filing of  
9 statement of economic interest is required with the name of  
10 persons who failed to file a statement.

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

22 (Source: P.A. 96-6, eff. 4-3-09; 96-550, eff. 8-17-09; 96-1000,  
23 eff. 7-2-10.)

24 Section 15. The Election Code is amended by adding Section  
25 29-25 as follows:

1 (10 ILCS 5/29-25 new)

2 Sec. 29-25. Failure to complete training required under the  
3 Open Meetings Act.

4 (a) Notwithstanding any other provision of this Code, an  
5 elected official who is required but fails to comply with  
6 subsection (b) of Section 1.05 of the Open Meetings Act or who  
7 is required to file a statement of economic interests under the  
8 Illinois Governmental Ethics Act but fails to attach the  
9 certificate of completion issued by the Public Access Counselor  
10 to his or her statement of economic interests, if required to  
11 do so, shall be ineligible, in any subsequent election, to be a  
12 candidate for the office in which he or she is serving at the  
13 time of the violation.

14 (b) For the purposes of this Section, "elected official"  
15 means a person who is elected to office in accordance with a  
16 State statute to discharge a public duty for the State or any  
17 of its political subdivisions or for a school district or  
18 library district.

19 (c) This Section does not apply to an elected official who  
20 is elected to serve a public body that requires the attendance  
21 of its parliamentarian or attorney at each meeting.