



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1237

Introduced 2/8/2011, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-100 new	
5 ILCS 420/4A-102	from Ch. 127, par. 604A-102
5 ILCS 420/4A-102.5 new	
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-105	from Ch. 127, par. 604A-105
5 ILCS 420/4A-106	from Ch. 127, par. 604A-106

Amends the Illinois Governmental Ethics Act. With respect to statements of economic interests, makes changes concerning: interests of spouses and immediate family members living with the person required to file; development of forms by the Secretary of State that replicate federal forms; supplemental filings by board and commission appointees; electronic filing; posting of statements by the Secretary of State in a searchable database on the Internet; and training by the Secretary of State for ethics officers and persons required to file statements. Effective immediately.

LRB097 07170 JDS 47274 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning ethics.

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-102, 4A-103, 4A-104, 4A-105, and 4A-106
6 and by adding Sections 4A-100 and 4A-102.5 as follows:

7 (5 ILCS 420/4A-100 new)

8 Sec. 4A-100. Definitions. As used in this Article:

9 (a) "Immediate family member" means a spouse, parent,
10 brother, sister, or child of the reporting individual sharing
11 the same household.

12 (b) "Income" means income derived from any source,
13 including but not limited to the following: (i) compensation
14 for services, including fees, commissions, and similar items;
15 (ii) gross income derived from business (and net income if the
16 person elects to include it); (iii) gains received from
17 dealings in property; (iv) interest; (v) rents; (vi) royalties;
18 (vii) dividends; (viii) annuities; (ix) income from life
19 insurance and endowment contracts; (x) pensions; (xi) income
20 from discharge of indebtedness; (xii) distributive share of
21 partnership income; and (xiii) income from an interest in an
22 estate or trust. "Income" does not include campaign receipts
23 reported on financial disclosure reports filed with the State

1 Board of Elections, unless such receipts are claimed for
2 personal use.

3 (c) "Category of value" means the following classification
4 system: (i) not more than \$1,000, (ii) greater than \$1,000 but
5 not more than \$2,500, (iii) greater than \$2,500 but not more
6 than \$5,000, (iv) greater than \$5,000 but not more than
7 \$15,000, (v) greater than \$15,000 but not more than \$50,000,
8 (vi) greater than \$50,000 but not more than \$100,000, (vii)
9 greater than \$100,000 but not more than \$1,000,000, (viii)
10 greater than \$1,000,000 but not more than \$5,000,000, or (ix)
11 greater than \$5,000,000.

12 (d) "Constructive control." An interest may be said to be
13 constructively controlled by the person filing the report if
14 the person filing the report is a trustee, proxy, guardian, or
15 advisor with regard to decisions to acquire, retain, or divest
16 all or any portion of an interest.

17 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

18 Sec. 4A-102. The statement of economic interests required
19 by this Article shall include the economic interests of the
20 person making the statement as provided in this Section. The
21 interest ~~(if constructively controlled by the person making the~~
22 ~~statement)~~ of a spouse, or any other party if constructively
23 controlled by the person making the statement, shall be
24 considered to be the same as the interest of the person making
25 the statement. ~~Campaign receipts shall not be included in this~~

1 ~~statement.~~

2 (a) The following interests shall be listed by all
3 persons required to file:

4 (1) The source, type, and amount or value of income
5 (other than income referred to in subsection (a)(2))
6 from any source other than from current employment by
7 the State of Illinois.

8 (2) The source and type of income, which consists
9 of income from dividends, rents, interest, trusts, and
10 capital gains, received during the preceding calendar
11 year that exceeds \$200 in amount or value, and an
12 indication of the appropriate category of value such
13 item of income is within.

14 (3) The source, date, and amount of payments made
15 to charitable organizations in lieu of honoraria with a
16 corresponding list of recipients of all such payments,
17 together with the dates and amounts of such payments.

18 (4) The identity and category of value of any
19 interest in property held during the preceding
20 calendar year in a trade or business or for investment
21 or production of income, if the property has a fair
22 market value in excess of \$1,000 at the close of the
23 preceding calendar year. This item does not include any
24 personal liability owed (i) to the person filing the
25 statement by his or her immediate family members or
26 (ii) to the spouse of the person filing the statement.

1 This paragraph (4) also does not include deposits
2 aggregating to \$5,000 or less in a personal savings
3 account, including certificates of deposit and any
4 other form of deposit in a bank, savings and loan
5 association, credit union, or similar financial
6 institution.

7 (5) The identity and category of value of the total
8 liabilities in excess of \$5,000 owed at any time during
9 the preceding calendar year to any creditor other than
10 (i) an immediate family member of the person filing the
11 statement or (ii) an immediate family member of the
12 spouse of the person filing the statement. This item
13 does not include:

14 (A) Any mortgage secured by real property that
15 is the primary personal residence of the person
16 filing the statement.

17 (B) Any loan secured by a personal motor
18 vehicle, household furniture, appliance, or other
19 similar effect if the loan does not exceed the
20 purchase price of the item or items that secure it.

21 (C) Any debt owed by a political committee
22 associated with the person filing the statement,
23 provided that such debt is reported as required by
24 Article 9 of the Election Code.

25 With regard to revolving charge accounts, the
26 person filing the statement need report only his or her

1 outstanding aggregate liability across all accounts,
2 and only if in excess of \$10,000 at the close of the
3 preceding calendar year.

4 (6) A brief description, the date, and the category
5 of value of any purchase, sale, or exchange in excess
6 of \$1,000 during the preceding calendar year of (i)
7 real property other than real property used solely for
8 the primary personal residence of the person filing the
9 statement or his or her spouse or (ii) stocks, bonds,
10 commodity futures, and other forms of securities. This
11 item does not apply to transactions solely by and
12 between the person filing the statement and his or her
13 immediate family members.

14 (7) The identity of all positions held during the
15 preceding calendar year as an officer, director,
16 trustee, partner, proprietor, representative,
17 employee, or consultant of any corporation, company,
18 firm, partnership, other business enterprise,
19 non-profit organization, labor organization, or
20 educational or other institution of the State, a unit
21 of government, a school district, or the United States.
22 This item does not apply to positions in religious,
23 social, fraternal, or political organizations or
24 positions of a solely honorary nature.

25 (8) The date of, the parties to, and a description
26 of the terms of any agreement or arrangement with

1 respect to (i) future employment; (ii) a leave of
2 absence from the unit of government in relation to
3 which the person is required to file the statement;
4 (iii) contributions or payments by a former employer
5 other than the unit of government in relation to which
6 the person is required to file the statement; and (iv)
7 continuing participation in an employee welfare or
8 benefit plan with a former employer.

9 (9) The source, date, and amount of honoraria
10 aggregating to \$200 or more during the preceding
11 calendar year.

12 (10) The source, date, and amount or value of any
13 gift or gifts (i) valued singularly or in the aggregate
14 in excess of \$500 during the preceding calendar year to
15 the person filing the statement or an immediate family
16 member of the person filing the statement, from any
17 person other than an immediate family member or (ii)
18 from a prohibited source as defined by the State
19 Officials and Employees Ethics Act, even if that source
20 is also an immediate family member, and within any of
21 the following captioned items listed in Section 10-15
22 of that Act, regardless of whether the person filing
23 the statement is otherwise subject to that Act:
24 educational materials and missions; and travel
25 expenses for a meeting to discuss State government.

26 ~~(1) The name, address and type of practice of any~~

1 ~~professional organization or individual professional~~
2 ~~practice in which the person making the statement was~~
3 ~~an officer, director, associate, partner or~~
4 ~~proprietor, or served in any advisory capacity, from~~
5 ~~which income in excess of \$1200 was derived during the~~
6 ~~preceding calendar year;~~

7 ~~(2) The nature of professional services (other~~
8 ~~than services rendered to the unit or units of~~
9 ~~government in relation to which the person is required~~
10 ~~to file) and the nature of the entity to which they~~
11 ~~were rendered if fees exceeding \$5,000 were received~~
12 ~~during the preceding calendar year from the entity for~~
13 ~~professional services rendered by the person making~~
14 ~~the statement.~~

15 ~~(3) The identity (including the address or legal~~
16 ~~description of real estate) of any capital asset from~~
17 ~~which a capital gain of \$5,000 or more was realized in~~
18 ~~the preceding calendar year.~~

19 (11) ~~(4)~~ The name of any unit of government which
20 has employed the person making the statement during the
21 preceding calendar year other than the unit or units of
22 government in relation to which the person is required
23 to file.

24 ~~(5) The name of any entity from which a gift or~~
25 ~~gifts, or honorarium or honoraria, valued singly or in~~
26 ~~the aggregate in excess of \$500, was received during~~

1 ~~the preceding calendar year.~~

2 (b) The following interests shall also be listed by
3 persons listed in items (a) through (f), item (l), and item
4 (n) of Section 4A-101:

5 (1) (Blank). ~~The name and instrument of ownership~~
6 ~~in any entity doing business in the State of Illinois,~~
7 ~~in which an ownership interest held by the person at~~
8 ~~the date of filing is in excess of \$5,000 fair market~~
9 ~~value or from which dividends of in excess of \$1,200~~
10 ~~were derived during the preceding calendar year. (In~~
11 ~~the case of real estate, location thereof shall be~~
12 ~~listed by street address, or if none, then by legal~~
13 ~~description). No time or demand deposit in a financial~~
14 ~~institution, nor any debt instrument need be listed.~~

15 (2) (Blank). ~~Except for professional service~~
16 ~~entities, the name of any entity and any position held~~
17 ~~therein from which income of in excess of \$1,200 was~~
18 ~~derived during the preceding calendar year, if the~~
19 ~~entity does business in the State of Illinois. No time~~
20 ~~or demand deposit in a financial institution, nor any~~
21 ~~debt instrument need be listed.~~

22 (3) The identity of any compensated lobbyist with
23 whom the person making the statement maintains a close
24 economic or personal relationship ~~association,~~
25 including the name of the lobbyist and specifying the
26 ~~legislative~~ matter or matters which are the object of

1 the lobbying activity, ~~and describing the general type~~
2 ~~of economic activity of the client or principal on~~
3 ~~whose behalf that person is lobbying.~~

4 (c) The following interests shall also be listed by
5 persons listed in items (g), (h), (i), and (o) of Section
6 4A-101:

7 (1) The name and instrument of ownership in any
8 entity doing business with a unit of local government
9 in relation to which the person is required to file if
10 the ownership interest of the person filing is greater
11 than \$5,000 fair market value as of the date of filing
12 or if dividends in excess of \$1,200 were received from
13 the entity during the preceding calendar year. (In the
14 case of real estate, location thereof shall be listed
15 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 (2) (Blank). ~~Except for professional service~~
19 ~~entities, the name of any entity and any position held~~
20 ~~therein from which income in excess of \$1,200 was~~
21 ~~derived during the preceding calendar year if the~~
22 ~~entity does business with a unit of local government in~~
23 ~~relation to which the person is required to file. No~~
24 ~~time or demand deposit in a financial institution, nor~~
25 ~~any debt instrument need be listed.~~

26 (3) The name of any entity and the nature of the

1 governmental action requested by any entity which has
2 applied to a unit of local government in relation to
3 which the person must file for any license, franchise
4 or permit for annexation, zoning or rezoning of real
5 estate during the preceding calendar year if the
6 ownership interest of the person filing is in excess of
7 \$5,000 fair market value at the time of filing or if
8 income or dividends in excess of \$1,200 were received
9 by the person filing from the entity during the
10 preceding calendar year.

11 For the purposes of this Section, the unit of local
12 government in relation to which a person required to file under
13 item (o) of Section 4A-101 shall be the unit of local
14 government that contributes to the pension fund of which such
15 person is a member of the board.

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

17 (5 ILCS 420/4A-102.5 new)

18 Sec. 4A-102.5. Appointee supplemental statement. Persons
19 filing statements of economic interests as a result of their
20 nomination to a board or commission shall also, at the same
21 time and in the same manner, file a supplement to the statement
22 containing the following information:

23 (1) Any contributions, in excess of \$150 in the
24 aggregate, to any political committee organized under the
25 Election Code made since the end of the last preceding

1 semi-annual disclosure period and the date the person files
2 the statement of economic interests, including the amount
3 of the contribution, the date, and the recipient.

4 (2) Any contribution made to a legal defense fund since
5 the filing of the last previous statement of economic
6 interests or, if the person is filing his or her first
7 statement of economic interests, in the 12 months preceding
8 the filing date.

9 (3) The name of any immediate family member who is
10 registered as a lobbyist with any State or federal agency
11 or office.

12 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)
13 Sec. 4A-103. The statement of economic interests required
14 by this Article to be filed with the Secretary of State shall
15 be ~~filled in by typewriting or hand printing,~~ shall be
16 verified, dated, ~~and~~ signed by manual or electronic means as
17 appropriate by the person making the statement, and made in a
18 form prescribed by the Secretary of State that shall, in paper
19 and electronic formats, substantially replicate the design of
20 the 2002 Public Financial Disclosure Report forms employed by
21 the United States Congress for purposes of complying with the
22 Ethics in Government Act of 1978. ~~and shall contain~~
23 ~~substantially the following:~~

24 ~~STATEMENT OF ECONOMIC INTEREST~~

25 ~~(TYPE OR HAND PRINT)~~

1
.....

2 ~~(name)~~

3
.....

4 ~~(each office or position of employment for which this statement~~
5 ~~is filed)~~

6
.....

7 ~~(full mailing address)~~

8 ~~GENERAL DIRECTIONS:~~

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

13 ~~Campaign receipts shall not be included in this statement.~~

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

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

25 ~~Business Entity~~

~~Instrument of Ownership~~

26
.....

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 2
 3

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

10	Name	Address	Type of Practice
11
12
13

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

19
 20

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

25
 26

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

Lobbyist	Legislative Matter	Client or Principal
.....
.....

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

Entity	Position Held
.....
.....
.....

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

1
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2
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3 ~~8. List the name of any entity from which a gift or gifts,~~
4 ~~or honorarium or honoraria, valued singly or in the aggregate~~
5 ~~in excess of \$500, was received during the preceding calendar~~
6 ~~year.~~

7
.....

8 VERIFICATION:

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

18
.....

19 ~~(date of filing) (signature of person making the statement)~~

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

21 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

22 Sec. 4A-104. The statement of economic interests required
23 by this Article to be filed with the county clerk shall be
24 ~~filled in by typewriting or hand printing, shall be~~ verified,
25 dated, ~~and~~ signed by manual or electronic means as appropriate

1 by the person making the statement, and made on a form
 2 prescribed by the Secretary of State that shall substantially
 3 replicate the design of the 2002 Public Financial Disclosure
 4 Report forms employed by the United States Congress for
 5 purposes of complying with the Ethics in Government Act of
 6 1978. ~~shall contain substantially the following:~~

~~STATEMENT OF ECONOMIC INTERESTS~~

~~(TYPE OR HAND PRINT)~~

7
 8
 9
 10 ~~(Name)~~

11
 12 ~~(each office or position of employment for which this statement~~
 13 ~~is filed)~~
 14 ~~(full mailing address)~~

~~GENERAL DIRECTIONS:~~

16 ~~The interest (if constructively controlled by the person~~
 17 ~~making the statement) of a spouse or any other party, shall be~~
 18 ~~considered to be the same as the interest of the person making~~
 19 ~~the statement.~~

20 ~~Campaign receipts shall not be included in this statement.~~

21 ~~If additional space is needed, please attach supplemental~~
22 ~~listing.~~

23 ~~1. List the name and instrument of ownership in any entity~~
 24 ~~doing business with a unit of local government in relation to~~
 25 ~~which the person is required to file, in which the ownership~~
 26 ~~interest held by the person at the date of filing is in excess~~

1 ~~of \$5,000 fair market value or from which dividends in excess~~
 2 ~~of \$1,200 were received during the preceding calendar year. (In~~
 3 ~~the case of real estate, location thereof shall be listed by~~
 4 ~~street address, or if none, then by legal description.) No time~~
 5 ~~or demand deposit in a financial institution, nor any debt~~
 6 ~~instrument shall be listed.~~

Business	Instrument of	Position of
Entity	Ownership	Management
.....
.....
.....

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

Name	Address	Type of Practice
.....
.....
.....

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

1 ~~making the statement.~~

2
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4 ~~4. List the identity (including the address or legal~~
5 ~~description of real estate) of any capital asset from which a~~
6 ~~capital gain of \$5,000 or more was realized during the~~
7 ~~preceding calendar year.~~

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

21
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22
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23
.....

24 ~~6. List the name of any entity doing business with a unit~~
25 ~~of local government in relation to which the person is required~~
26 ~~to file from which income in excess of \$1,200 was derived~~

~~during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.~~

~~.....~~

~~.....~~

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

~~.....~~

~~.....~~

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

~~.....~~

VERIFICATION:

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

1 ~~not to exceed one year, or both fine and imprisonment."~~

2 ~~.....~~ ~~.....~~

3 ~~(date of filing)~~ ~~(signature of person making the statement)~~

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

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

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

12 Statements must also be filed as follows:

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

24 (b-5) A special government agent, as defined in item
25 (1) of Section 4A-101 of this Act, shall file a statement

1 within 30 days after making the first ex parte
2 communication and each May 1 thereafter if he or she has
3 made an ex parte communication within the previous 12
4 months.

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

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

23 Any person who takes office or otherwise becomes required
24 to file a statement of economic interests within 30 days prior
25 to May 1 of any year may file his or her statement at any time
26 on or before May 31 without penalty. If such person fails to

1 file such statement by May 31, the officer with whom such
2 statement is to be filed under Section 4A-106 of this Act
3 shall, within 7 days after May 31, notify such person by
4 certified mail of his or her failure to file by the specified
5 date. Such person shall file his or her statement of economic
6 interests on or before June 15 with the appropriate officer,
7 together with a \$15 late filing fee. Any such person who fails
8 to file by June 15 shall be subject to a penalty of \$100 per day
9 for each day from June 16 to the date of filing, which shall be
10 in addition to the \$15 late filing fee specified above. Failure
11 to file by June 30 shall result in a forfeiture in accordance
12 with Section 4A-107 of this Act.

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

21 Failure to file a statement of economic interests within
22 the time prescribed shall not result in a fine or ineligibility
23 for, or forfeiture of, office or position of employment, as the
24 case may be; provided that the failure to file results from not
25 being included for notification by the appropriate agency,
26 clerk, secretary, officer or unit of government, as the case

1 may be, and that a statement is filed within 30 days of actual
2 notice of the failure to file.

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

12 (Source: P.A. 96-550, eff. 8-17-09.)

13 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

14 Sec. 4A-106. Notification; electronic filing.

15 (a) The statements of economic interests required of
16 persons listed in items (a) through (f), item (j), item (l),
17 and item (n) of Section 4A-101 shall be filed with the
18 Secretary of State. The Secretary of State shall by rule
19 provide for the electronic filing of statements as follows:

20 Beginning January 1, 2012, or as soon thereafter as the
21 Secretary of State has provided adequate software to persons
22 required to file under this Article, all statements filed under
23 this Article shall be filed in electronic format. The Secretary
24 shall promptly upon verification make all statements filed
25 under this Article publicly available by means of a searchable

1 database that is accessible through the World Wide Web.
2 "Searchable" means, for the purpose of this Section, that any
3 person may query each question for any proper names and
4 addresses. The Secretary of State shall provide all software
5 necessary to comply with this Section and shall implement a
6 plan to provide computer access and assistance to persons
7 required to file by this Article.

8 (b) The statements of economic interests required of
9 persons listed in items (g), (h), (i), (k), and (o) of Section
10 4A-101 shall be filed with the county clerk of the county in
11 which the principal office of the unit of local government with
12 which the person is associated is located. If it is not
13 apparent which county the principal office of a unit of local
14 government is located, the chief administrative officer, or his
15 or her designee, has the authority, for purposes of this Act,
16 to determine the county in which the principal office is
17 located.

18 (c) On or before February 1 annually, ~~(1)~~ the chief
19 administrative officer of any State agency in the executive,
20 legislative, or judicial branch employing persons required to
21 file under item (f) or item (l) of Section 4A-101 and the chief
22 administrative officer of a board described in item (n) of
23 Section 4A-101 shall certify to the Secretary of State the
24 names and mailing addresses of those persons. The State Board
25 of Elections shall, within 14 days after the proclamation of
26 the results of a general primary pursuant to Section 7-58 of

1 the Election Code, provide the Secretary of State with a true
2 alphabetical listing of the names and related information,
3 including their addresses and the office they are seeking, of
4 candidates who were nominated in a general primary election. 7
5 ~~and (2)~~

6 (d) On or before February 1 annually, the chief
7 administrative officer, or his or her designee, of each unit of
8 local government with persons described in items (h), (i) and
9 (k) and a board described in item (o) of Section 4A-101 shall
10 certify to the appropriate county clerk a list of names and
11 addresses of persons described in items (h), (i), (k), and (o)
12 of Section 4A-101 that are required to file. In preparing the
13 lists, each chief administrative officer, or his or her
14 designee, shall set out the names in alphabetical order. Any
15 local election authority shall within 14 days after
16 proclamation of the results of a primary election, provide the
17 county clerk with a true alphabetical listing of the names and
18 related information, including their addresses and the office
19 they are seeking, of candidates who nominated in a general
20 primary election. Any county clerk who makes available in his
21 or her principal offices terminals by means of which the
22 general public may access statements of economic interest filed
23 with the Secretary of State's office and posted to the
24 Secretary of State's website may waive the requirement that a
25 person file a paper form with that county clerk with respect to
26 persons whose forms have been electronically filed with the

1 Secretary of State's office.

2 (e) On or before April 1 annually, the Secretary of State
3 shall notify (1) all persons whose names have been certified to
4 him under items (f), (l), and (n) of Section 4A-101, and (2)
5 all persons described in items (a) through (e) and item (j) of
6 Section 4A-101, together, in even-numbered years, with the
7 names of candidates nominated at the most recent general
8 primary, ~~other than candidates for office who have filed their~~
9 statements with their nominating petitions, of the
10 requirements for filing statements of economic interests. A
11 person required to file with the Secretary of State by virtue
12 of more than one item among items (a) through (f) and items
13 (j), (l), and (n) shall be notified of and is required to file
14 only one statement of economic interests relating to all items
15 under which the person is required to file with the Secretary
16 of State.

17 (f) On or before April 1 annually, the county clerk of each
18 county shall notify all persons whose names have been certified
19 to him under items (g), (h), (i), (k), and (o) of Section
20 4A-101, ~~other than candidates for office who have filed their~~
21 ~~statements with their nominating petitions,~~ of the
22 requirements for filing statements of economic interests. A
23 person required to file with a county clerk by virtue of more
24 than one item among items (g), (h), (i), (k), and (o) shall be
25 notified of and is required to file only one statement of
26 economic interests relating to all items under which the person

1 is required to file with that county clerk.

2 (g) Except as provided in Section 4A-106.1, the notices
3 provided for in this Section shall be in writing and deposited
4 in the U.S. Mail, properly addressed, first class postage
5 prepaid, on or before the day required by this Section for the
6 sending of the notice. Alternatively, a county clerk may send
7 the notices electronically to all persons whose names have been
8 thus certified to him under item (h), (i), or (k) of Section
9 4A-101. A certificate executed by the Secretary of State or
10 county clerk attesting that he or she has sent the notice by
11 the means permitted by this Section constitutes prima facie
12 evidence thereof.

13 (h) From the lists certified to him under this Section of
14 persons described in items (g), (h), (i), (k), and (o) of
15 Section 4A-101, the clerk of each county shall compile an
16 alphabetical listing of persons required to file statements of
17 economic interests in his office under any of those items. As
18 the statements are filed in his office, the county clerk shall
19 cause the fact of that filing to be indicated on the
20 alphabetical listing of persons who are required to file
21 statements. Within 30 days after the due dates, the county
22 clerk shall mail to the State Board of Elections a true copy of
23 that listing showing those who have filed statements.

24 (i) The county clerk of each county shall note upon the
25 alphabetical listing the names of all persons required to file
26 a statement of economic interests who failed to file a

1 statement on or before May 1. It shall be the duty of the
2 several county clerks to give notice as provided in Section
3 4A-105 to any person who has failed to file his or her
4 statement with the clerk on or before May 1.

5 (j) Any person who files or has filed a statement of
6 economic interest under this Act is entitled to receive from
7 the Secretary of State or county clerk, as the case may be, a
8 receipt indicating that the person has filed such a statement,
9 the date of such filing, and the identity of the governmental
10 unit or units in relation to which the filing is required. A
11 county clerk shall issue such receipt either on proof that the
12 person has filed with the Secretary of State in electronic
13 format or upon receipt of a paper form.

14 (k) The Secretary of State may employ such employees and
15 consultants as he considers necessary to carry out his duties
16 hereunder, and may prescribe their duties, fix their
17 compensation, and provide for reimbursement of their expenses.

18 (l) The Secretary of State shall provide training, through
19 the Secretary of State's website, for ethics officers appointed
20 under the State Officers and Employees Ethics Act and through
21 the Secretary of State's website, for persons required to file
22 statements of economic interests.

23 (m) 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; 96-1336, eff. 1-1-11.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.