



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2216

Introduced 2/20/2009, by Sen. Susan Garrett

#### 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.

LRB096 09694 JAM 19855 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 persons  
3 required to file:

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

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

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

1 aggregating \$5,000 or less in a personal savings account,  
2 including certificates of deposit and any other form of  
3 deposit in a bank, savings and loan association, credit  
4 union, or similar financial institution.

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

11 (A) Any mortgage secured by real property that is  
12 the primary personal residence of the person filing the  
13 statement.

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

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

22 With regard to revolving charge accounts, the person filing  
23 the statement need report only his or her outstanding aggregate  
24 liability across all accounts, and only if in excess of \$10,000  
25 at the close of the preceding calendar year.

26 (6) A brief description, the date, and the category of

1 value of any purchase, sale, or exchange in excess of  
2 \$1,000 during the preceding calendar year of (i) real  
3 property other than real property used solely for the  
4 primary personal residence of the person filing the  
5 statement or his or her spouse or (ii) stocks, bonds,  
6 commodity futures, and other forms of securities. This item  
7 does not apply to transactions solely by and between the  
8 person filing the statement and his or her immediate family  
9 members.

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

20 (8) The date of, the parties to, and a description of  
21 the terms of any agreement or arrangement with respect to  
22 (i) future employment; (ii) a leave of absence from the  
23 unit of government in relation to which the person is  
24 required to file the statement; (iii) contributions or  
25 payments by a former employer other than the unit of  
26 government in relation to which the person is required to

1 file the statement; and (iv) continuing participation in an  
2 employee welfare or benefit plan with a former employer.

3 (9) The source, date, and amount of honoraria  
4 aggregating \$200 or more during the preceding calendar  
5 year.

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

19 ~~(1) The name, address and type of practice of any~~  
20 ~~professional organization or individual professional~~  
21 ~~practice in which the person making the statement was an~~  
22 ~~officer, director, associate, partner or proprietor, or~~  
23 ~~served in any advisory capacity, from which income in~~  
24 ~~excess of \$1200 was derived during the preceding calendar~~  
25 ~~year.~~

26

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

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

12           ~~(11) (4) The name of any unit of government which has~~  
13           ~~employed the person making the statement during the~~  
14           ~~preceding calendar year other than the unit or units of~~  
15           ~~government in relation to which the person is required to~~  
16           ~~file.~~

17           ~~(5) The name of any entity from which a gift or gifts,~~  
18           ~~or honorarium or honoraria, valued singly or in the~~  
19           ~~aggregate in excess of \$500, was received during the~~  
20           ~~preceding calendar year.~~

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

23           (1) (Blank.) ~~The name and instrument of ownership in~~  
24           ~~any entity doing business in the State of Illinois, in~~  
25           ~~which an ownership interest held by the person at the date~~  
26           ~~of filing is in excess of \$5,000 fair market value or from~~



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

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

13 (3) The identity of any compensated lobbyist with whom  
14 the person making the statement maintains a close economic  
15 or personal relationship association, including the name  
16 of the lobbyist and specifying the ~~legislative~~ matter or  
17 matters which are the object of the lobbying activity, ~~and~~  
18 ~~describing the general type of economic activity of the~~  
19 ~~client or principal on whose behalf that person is~~  
20 ~~lobbying.~~

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

23 (1) The name and instrument of ownership in any entity  
24 doing business with a unit of local government in relation  
25 to which the person is required to file if the ownership  
26 interest of the person filing is greater than \$5,000 fair

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

8 (2) (Blank.) ~~Except for professional service entities,~~  
9 ~~the name of any entity and any position held therein from~~  
10 ~~which income in excess of \$1,200 was derived during the~~  
11 ~~preceding calendar year if the entity does business with a~~  
12 ~~unit of local government in relation to which the person is~~  
13 ~~required to file. No time or demand deposit in a financial~~  
14 ~~institution, nor any debt instrument need be listed.~~

15 (3) The name of any entity and the nature of the  
16 governmental action requested by any entity which has  
17 applied to a unit of local government in relation to which  
18 the person must file for any license, franchise or permit  
19 for annexation, zoning or rezoning of real estate during  
20 the preceding calendar year if the ownership interest of  
21 the person filing is in excess of \$5,000 fair market value  
22 at the time of filing or if income or dividends in excess  
23 of \$1,200 were received by the person filing from the  
24 entity during the preceding calendar year.

25 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

1 (5 ILCS 420/4A-102.5 new)

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

7 (1) Any contributions, in excess of \$150 in the  
8 aggregate, to any political committee organized under the  
9 Election Code made since the end of the last preceding  
10 semi-annual disclosure period and the date the person files  
11 the statement of economic interests, including the amount  
12 of the contribution, the date, and the recipient.

13 (2) Any contribution made to a legal defense fund since  
14 the filing of the last previous statement of economic  
15 interests or, if the person is filing his or her first  
16 statement of economic interests, in the 12 months preceding  
17 the filing date.

18 (3) The name of any immediate family member who is  
19 registered as a lobbyist with any State or federal agency  
20 or office.

21 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

22 Sec. 4A-103. The statement of economic interests required  
23 by this Article to be filed with the Secretary of State shall  
24 be ~~filled in by typewriting or hand printing,~~ shall be  
25 verified, dated, ~~and~~ signed by manual or electronic means as

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

8 ~~STATEMENT OF ECONOMIC INTEREST~~

9 ~~(TYPE OR HAND PRINT)~~

10 .....  
 11 ~~(name)~~

12 .....  
 13 ~~(each office or position of employment for which this statement~~  
 14 ~~is filed)~~

15 .....  
 16 ~~(full mailing address)~~

17 ~~GENERAL DIRECTIONS:~~

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

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

23 ~~If additional space is needed, please attach supplemental~~  
 24 ~~listing.~~

25 ~~1. List the name and instrument of ownership in any entity~~  
 26 ~~doing business in the State of Illinois, in which the ownership~~

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

<del>Business Entity</del>	<del>Instrument of Ownership</del>
.....	.....
.....	.....
.....	.....
.....	.....

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

<del>Name</del>	<del>Address</del>	<del>Type of Practice</del>
.....	.....	.....
.....	.....	.....
.....	.....	.....

23 ~~3. List the nature of professional services rendered (other~~  
 24 ~~than to the State of Illinois) to each entity from which income~~  
 25 ~~exceeding \$5,000 was received for professional services~~  
 26 ~~rendered during the preceding calendar year by the person~~

1 ~~making the statement.~~

2 .....  
.....

3 .....  
.....

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.~~

8 .....  
.....

9 .....  
.....

10 ~~5. List the identity of any compensated lobbyist with whom~~  
11 ~~the person making the statement maintains a close economic~~  
12 ~~association, including the name of the lobbyist and specifying~~  
13 ~~the legislative matter or matters which are the object of the~~  
14 ~~lobbying activity, and describing the general type of economic~~  
15 ~~activity of the client or principal on whose behalf that person~~  
16 ~~is lobbying.~~

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

20 ~~6. List the name of any entity doing business in the State~~  
21 ~~of Illinois from which income in excess of \$1,200 was derived~~  
22 ~~during the preceding calendar year other than for professional~~  
23 ~~services and the title or description of any position held in~~  
24 ~~that entity. (In the case of real estate, location thereof~~  
25 ~~shall be listed by street address, or if none, then by legal~~  
26 ~~description). No time or demand deposit in a financial~~

1 ~~institution nor any debt instrument need be listed.~~

2 Entity

~~Position Held~~

3 ..... ..

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 VERIFICATION:

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

1 .....  
.....

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

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

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

5           Sec. 4A-104. The statement of economic interests required  
6 by this Article to be filed with the county clerk shall be  
7 ~~filled in by typewriting or hand printing, shall be~~ verified,  
8 dated, ~~and~~ signed by manual or electronic means as appropriate  
9 by the person making the statement, and made on a form  
10 prescribed by the Secretary of State that shall substantially  
11 replicate the design of the 2002 Public Financial Disclosure  
12 Report forms employed by the United States Congress for  
13 purposes of complying with the Ethics in Government Act of  
14 1978. shall contain substantially the following:

15                           ~~STATEMENT OF ECONOMIC INTERESTS~~

16   ~~(TYPE OR HAND PRINT)~~

17 .....  
.....

18 ~~(Name)~~

19 .....  
.....

20 ~~(each office or position of employment for which this statement~~  
21 ~~is filed) .....~~

22 ~~(full mailing address)~~

23 ~~GENERAL DIRECTIONS:~~

24           ~~The interest (if constructively controlled by the person~~  
25 ~~making the statement) of a spouse or any other party, shall be~~



1 ~~considered to be the same as the interest of the person making~~  
2 ~~the statement.~~

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

4 ~~If additional space is needed, please attach supplemental~~  
5 ~~listing.~~

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

16 Business 17 Entity	Instrument of Ownership	Position of Management
18 .....	.....	.....
19 .....	.....	.....
20 .....	.....	.....

21 ~~2. List the name, address and type of practice of any~~  
22 ~~professional organization in which the person making the~~  
23 ~~statement was an officer, director, associate, partner or~~  
24 ~~proprietor, or served in any advisory capacity, from which~~  
25 ~~income in excess of \$1,200 was derived during the preceding~~  
26 ~~calendar year.~~

1	Name	Address	Type of Practice
2	.....	.....	.....
3	.....	.....	.....
4	.....	.....	.....

5       ~~3. List the nature of professional services rendered (other~~  
6 ~~than to the unit or units of local government in relation to~~  
7 ~~which the person is required to file) to each entity from which~~  
8 ~~income exceeding \$5,000 was received for professional services~~  
9 ~~rendered during the preceding calendar year by the person~~  
10 ~~making the statement.~~

11 .....  
12 .....

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

17 .....  
18 .....  
19 .....

20       ~~5. List the name of any entity and the nature of the~~  
21 ~~governmental action requested by any entity which has applied~~  
22 ~~to a unit of local government in relation to which the person~~  
23 ~~must file for any license, franchise or permit for annexation,~~  
24 ~~zoning or rezoning of real estate during the preceding calendar~~  
25 ~~year if the ownership interest of the person filing is in~~  
26 ~~excess of \$5,000 fair market value at the time of filing or if~~

1 ~~income or dividends in excess of \$1200 were received by the~~  
2 ~~person filing from the entity during the preceding calendar~~  
3 ~~year.~~

4 .....  
5 .....  
6 .....

7 ~~6. List the name of any entity doing business with a unit~~  
8 ~~of local government in relation to which the person is required~~  
9 ~~to file from which income in excess of \$1,200 was derived~~  
10 ~~during the preceding calendar year other than for professional~~  
11 ~~services and the title or description of any position held in~~  
12 ~~that entity. No time or demand deposit in a financial~~  
13 ~~institution nor any debt instrument need be listed.~~

14 .....  
15 .....

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

20 .....  
21 .....

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

26 .....

1 ~~VERIFICATION:~~

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

11 ~~.....~~ ~~.....~~

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

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

14 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)  
15 Sec. 4A-105. Time for filing. Except as provided in  
16 Section 4A-106.1, by May 1 of each year a statement must be  
17 filed by each person whose position at that time subjects him  
18 to the filing requirements of Section 4A-101 unless he has  
19 already filed a statement in relation to the same unit of  
20 government in that calendar year.

21 Statements must also be filed as follows:

- 22 (a) A candidate for elective office shall file his
- 23 statement not later than the end of the period during which
- 24 he can take the action necessary under the laws of this
- 25 State to attempt to qualify for nomination, election, or

1 retention to such office if he has not already filed a  
2 statement in relation to the same unit of government during  
3 that same calendar year ~~within a year preceding such~~  
4 ~~action.~~

5 (b) A person whose appointment to office is subject to  
6 confirmation by the Senate shall file his statement at the  
7 time his name is submitted to the Senate for confirmation.

8 (b-5) A special government agent, as defined in item  
9 (1) of Section 4A-101 of this Act, shall file a statement  
10 within 30 days after making the first ex parte  
11 communication and each May 1 thereafter if he or she has  
12 made an ex parte communication within the previous 12  
13 months.

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

18 If any person who is required to file a statement of  
19 economic interests fails to file such statement by May 1 of any  
20 year, the officer with whom such statement is to be filed under  
21 Section 4A-106 of this Act shall, within 7 days after May 1,  
22 notify such person by certified mail of his or her failure to  
23 file by the specified date. Except as may be prescribed by rule  
24 of the Secretary of State, such person shall file his or her  
25 statement of economic interests on or before May 15 with the  
26 appropriate officer, together with a \$15 late filing fee. Any

1 such person who fails to file by May 15 shall be subject to a  
2 penalty of \$100 for each day from May 16 to the date of filing,  
3 which shall be in addition to the \$15 late filing fee specified  
4 above. Failure to file by May 31 shall result in a forfeiture  
5 in accordance with Section 4A-107 of this Act.

6 Any person who takes office or otherwise becomes required  
7 to file a statement of economic interests within 30 days prior  
8 to May 1 of any year may file his or her statement at any time  
9 on or before May 31 without penalty. If such person fails to  
10 file such statement by May 31, the officer with whom such  
11 statement is to be filed under Section 4A-106 of this Act  
12 shall, within 7 days after May 31, notify such person by  
13 certified mail of his or her failure to file by the specified  
14 date. Such person shall file his or her statement of economic  
15 interests on or before June 15 with the appropriate officer,  
16 together with a \$15 late filing fee. Any such person who fails  
17 to file by June 15 shall be subject to a penalty of \$100 per day  
18 for each day from June 16 to the date of filing, which shall be  
19 in addition to the \$15 late filing fee specified above. Failure  
20 to file by June 30 shall result in a forfeiture in accordance  
21 with Section 4A-107 of this Act.

22 All late filing fees and penalties collected pursuant to  
23 this Section shall be paid into the General Revenue Fund in the  
24 State treasury, if the Secretary of State receives such  
25 statement for filing, or into the general fund in the county  
26 treasury, if the county clerk receives such statement for

1 filing. The Attorney General, with respect to the State, and  
2 the several State's Attorneys, with respect to counties, shall  
3 take appropriate action to collect the prescribed penalties.

4 Failure to file a statement of economic interests within  
5 the time prescribed shall not result in a fine or ineligibility  
6 for, or forfeiture of, office or position of employment, as the  
7 case may be; provided that the failure to file results from not  
8 being included for notification by the appropriate agency,  
9 clerk, secretary, officer or unit of government, as the case  
10 may be, and that a statement is filed within 30 days of actual  
11 notice of the failure to file.

12 (Source: P.A. 93-617, eff. 12-9-03.)

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), and item (l)  
17 of Section 4A-101 shall be filed with the Secretary of State.  
18 The Secretary of State shall by rule provide for the electronic  
19 filing of statements as follows:

20 Beginning January 1, 2010, 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), and (k) 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 shall certify  
22 to the Secretary of State the names and mailing addresses of  
23 those persons. The State Board of Elections shall, within 14  
24 days after the proclamation of the results of a general primary  
25 pursuant to Section 7-58 of the Election Code, provide the  
26 Secretary of State with a true alphabetical listing of the



1 names and related information, including their addresses and  
2 the office they are seeking, of candidates who were nominated  
3 in a general primary election., and (2)

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

25 (e) On or before April 1 annually, the Secretary of State  
26 shall notify (1) all persons whose names have been certified to

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

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

25 (g) Except as provided in Section 4A-106.1, the notices  
26 provided for in this Section shall be in writing and deposited

1 in the U.S. Mail, properly addressed, first class postage  
2 prepaid, on or before the day required by this Section for the  
3 sending of the notice. A certificate executed by the Secretary  
4 of State or county clerk attesting that he has mailed the  
5 notice constitutes prima facie evidence thereof.

6 (h) From the lists certified to him under this Section of  
7 persons described in items (g), (h), (i), and (k) of Section  
8 4A-101, the clerk of each county shall compile an alphabetical  
9 listing of persons required to file statements of economic  
10 interests in his office under any of those items. As the  
11 statements are filed in his office, the county clerk shall  
12 cause the fact of that filing to be indicated on the  
13 alphabetical listing of persons who are required to file  
14 statements. Within 30 days after the due dates, the county  
15 clerk shall mail to the State Board of Elections a true copy of  
16 that listing showing those who have filed statements.

17 (i) The county clerk of each county shall note upon the  
18 alphabetical listing the names of all persons required to file  
19 a statement of economic interests who failed to file a  
20 statement on or before May 1. It shall be the duty of the  
21 several county clerks to give notice as provided in Section  
22 4A-105 to any person who has failed to file his or her  
23 statement with the clerk on or before May 1.

24 (j) Any person who files or has filed a statement of  
25 economic interest under this Act is entitled to receive from  
26 the Secretary of State or county clerk, as the case may be, a

1 receipt indicating that the person has filed such a statement,  
2 the date of such filing, and the identity of the governmental  
3 unit or units in relation to which the filing is required. A  
4 county clerk shall issue such receipt either on proof that the  
5 person has filed with the Secretary of State in electronic  
6 format or upon receipt of a paper form.

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

11 (l) The Secretary of State shall provide training, through  
12 the Secretary of State's website, for ethics officers appointed  
13 under the State Officers and Employees Ethics Act and through  
14 the Secretary of State's website, for persons required to file  
15 statements of economic interests.

16 (m) All statements of economic interests filed under this  
17 Section shall be available for examination and copying by the  
18 public at all reasonable times. Not later than 12 months after  
19 the effective date of this amendatory Act of the 93rd General  
20 Assembly, beginning with statements filed in calendar year  
21 2004, the Secretary of State shall make statements of economic  
22 interests filed with the Secretary available for inspection and  
23 copying via the Secretary's website.

24 (Source: P.A. 93-617, eff. 12-9-03; 94-603, eff. 8-16-05.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.