

**SB1979**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB1979**

Introduced 2/10/2011, by Sen. Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

5 ILCS 420/4A-105

from Ch. 127, par. 604A-105

Amends the Illinois Governmental Ethics Act. Requires a candidate nominated at a general primary to file a statement of economic interests by May 1 before the general election, in addition to the statement he or she filed before the general primary.

LRB097 00016 JAM 40016 b

**A BILL FOR**

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Governmental Ethics Act is amended  
5 by changing Section 4A-105 as follows:

6 (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

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

13 Statements must also be filed as follows:

14 (a) A candidate for elective office shall file his  
15 statement not later than the end of the period during which  
16 he can take the action necessary under the laws of this  
17 State to attempt to qualify for nomination, election, or  
18 retention to such office if he has not filed a statement in  
19 relation to the same unit of government within a year  
20 preceding such action. In addition, a candidate nominated  
21 at the general primary shall file a statement by May 1  
22 immediately after the general primary, unless he or she has  
23 already filed a statement in relation to the same unit of

1           government in that calendar year.

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

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

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

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

1 above. Failure to file by May 31 shall result in a forfeiture  
2 in accordance with Section 4A-107 of this Act.

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

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

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

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

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