



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3954

Introduced 11/12/2019, by Rep. Jim Durkin - Terri Bryant - Dave Severin - Grant Wehrli - Thomas Morrison, et al.

SYNOPSIS AS INTRODUCED:

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-103.5 new	
5 ILCS 420/4A-108	

Amends the Illinois Governmental Ethics Act. Modifies the content of the statement of economic interests required to be filed by members of the General Assembly and candidates for nomination or election to the General Assembly. Makes conforming changes. Effective immediately.

LRB101 15291 RJF 64468 b

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 Sections 4A-102, 4A-103, and 4A-108 and by adding
6 Sections 4A-102.5 and 4A-103.5 as follows:

7 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

8 Sec. 4A-102. The statement of economic interests required
9 by this Article shall include the economic interests of the
10 person making the statement as provided in this Section. The
11 interest (if constructively controlled by the person making the
12 statement) of a spouse or any other party, shall be considered
13 to be the same as the interest of the person making the
14 statement. Campaign receipts shall not be included in this
15 statement.

16 (a) The following interests shall be listed by all
17 persons required to file, except for members of the General
18 Assembly and candidates for nomination or election to the
19 General Assembly:

20 (1) The name, address and type of practice of any
21 professional organization or individual professional
22 practice in which the person making the statement was
23 an officer, director, associate, partner or

1 proprietor, or served in any advisory capacity, from
2 which income in excess of \$1200 was derived during the
3 preceding calendar year;

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

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

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

21 (5) The name of any entity from which a gift or
22 gifts, or honorarium or honoraria, valued singly or in
23 the aggregate in excess of \$500, was received during
24 the preceding calendar year.

25 (b) The following interests shall also be listed by
26 persons listed in items (b) ~~(a)~~ through (f), item (1), item

1 (n), and item (p) of Section 4A-101:

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

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

19 (3) The identity of any compensated lobbyist with
20 whom the person making the statement maintains a close
21 economic association, including the name of the
22 lobbyist and specifying the legislative matter or
23 matters which are the object of the lobbying activity,
24 and describing the general type of economic activity of
25 the client or principal on whose behalf that person is
26 lobbying.

1 (c) The following interests shall also be listed by
2 persons listed in items (a) through (c) and item (e) of
3 Section 4A-101.5:

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

23 (3) The name of any entity and the nature of the
24 governmental action requested by any entity which has
25 applied to a unit of local government in relation to
26 which the person must file for any license, franchise

1 or permit for annexation, zoning or rezoning of real
2 estate during the preceding calendar year if the
3 ownership interest of the person filing is in excess of
4 \$5,000 fair market value at the time of filing or if
5 income or dividends in excess of \$1,200 were received
6 by the person filing from the entity during the
7 preceding calendar year.

8 For the purposes of this Section, the unit of local
9 government in relation to which a person required to file under
10 item (e) of Section 4A-101.5 shall be the unit of local
11 government that contributes to the pension fund of which such
12 person is a member of the board.

13 (Source: P.A. 101-221, eff. 8-9-19.)

14 (5 ILCS 420/4A-102.5 new)

15 Sec. 4A-102.5. General Assembly statement of economic
16 interests.

17 (a) The statement of economic interests required by this
18 Article for members of the General Assembly and candidates for
19 nomination or election to the General Assembly shall include
20 the economic interests of the person making the statement as
21 provided in this Section. The interest (if constructively
22 controlled by the person making the statement) of a spouse or
23 any other party, shall be considered to be the same as the
24 interest of the person making the statement. Campaign receipts
25 shall not be included in this statement.

1 (b) The following interests shall be listed by all persons
2 required to file a statement under item (a) of Section 4A-101:

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

10 (2) The name of any entity doing business in the State
11 of Illinois from which income in excess of \$1,200 was
12 derived during the preceding calendar year other than for
13 professional services and the title or description of any
14 position held in that entity.

15 (3) Current economic interests of the person and
16 members of the person's immediate family (spouse and minor
17 children residing with the person) whether in the form of
18 stock, bond, dividend, interest, trust, realty, rent,
19 certificate of deposit, deposit in any financial
20 institution, pension plan, Keogh plan, Individual
21 Retirement Account, equity or creditor interest in any
22 corporation, proprietorship, partnership, instrument of
23 indebtedness, or otherwise. Every source of noninvestment
24 income in the form of a fee, commission, compensation,
25 compensation for personal service, royalty, pension,
26 honorarium, or otherwise must also be listed. No

1 reimbursement of expenses by any unit of government and no
2 interest in deferred compensation under a plan
3 administered by the State of Illinois need be listed. No
4 amounts or account numbers need be listed. In listing his
5 or her personal residence, the person shall not state the
6 address. Current economic interests shall be as of a date
7 within 30 days preceding the date of filing the statement.

8 (4) Former economic interests of the type required to
9 be disclosed in response to paragraph (3) which were held
10 by the person or any member of the person's immediate
11 family (spouse and minor children residing with the person)
12 during the year preceding the date of disclosure. Current
13 economic interests listed in response to paragraph (3) need
14 not be listed. No amounts or account numbers need be
15 listed. In listing his or her personal residence, the
16 person shall not state the address.

17 (5) A list of every office, directorship, and salaried
18 employment of the person and members of the person's
19 immediate family (spouse and minor children residing with
20 the person). Exclude unsalaried positions in religious,
21 social, or fraternal organizations, and honorary
22 positions.

23 (6) Any fiduciary position, including executorships
24 and trusteeships of the person and members of the person's
25 immediate family (spouse and any minor child residing with
26 the person).

1 (7) The name of the donor and a brief description of
2 any gifts received by the person or members of the person's
3 immediate family (spouse and minor children residing with
4 the person). Gifts of transportation, food, lodging, or
5 entertainment having a value in excess of \$250 must be
6 reported. All other gifts having a value in excess of \$100
7 must be reported. Gifts between the person and his or her
8 spouse, children, or parents shall not be reported.

9 (8) Any other economic interest or relationship of the
10 person or of members of the person's immediate family
11 (spouse and minor children residing with the person) which
12 could create a conflict of interest for the person in his
13 or her capacity as a member of the General Assembly, other
14 than those listed in paragraphs (1) through (7).

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, except
18 for those statements filed by members of the General Assembly
19 and candidates for nomination or election to the General
20 Assembly under Section 4A-103.5, shall be filled in by
21 typewriting or hand printing, shall be verified, dated, and
22 signed by the person making the statement 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
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
.....

1
 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.

8 Lobbyist	Legislative Matter	Client or Principal
9
10

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.

19 Entity	Position Held
20
21
22

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

2

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-103.5 new)

22 Sec. 4A-103.5. The statement of economic interests
23 required by this Article to be filed by members of the General
24 Assembly and candidates for nomination or election to the
25 General Assembly with the Secretary of State shall be filled in

1 by typewriting or hand printing, shall be verified, dated, and
2 signed by the person making the statement and shall contain
3 substantially the following:

4 STATEMENT OF ECONOMIC INTEREST

5 (TYPE OR HAND PRINT)

6

7 (name)

8

9 (each office or position of employment for which this statement
10 is filed)

11

12 (full mailing address)

13 GENERAL DIRECTIONS:

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

18 Campaign receipts shall not be included in this statement.

19 If additional space is needed, please attach supplemental
20 listing.

21 1. List the identity of any compensated lobbyist with whom
22 the person making the statement maintains a close economic
23 association, including the name of the lobbyist and specifying
24 the legislative matter or matters which are the object of the
25 lobbying activity, and describing the general type of economic
26 activity of the client or principal on whose behalf that person

1 is lobbying.

<u>Lobbyist</u>	<u>Legislative Matter</u>	<u>Client or Principal</u>
-----------------	---------------------------	----------------------------

<u>.....</u>	<u>.....</u>	<u>.....</u>
--------------	--------------	--------------

<u>.....</u>	<u>.....</u>	<u>.....</u>
--------------	--------------	--------------

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

<u>Entity</u>	<u>Position Held</u>
---------------	----------------------

<u>.....</u>	<u>.....</u>
--------------	--------------

<u>.....</u>	<u>.....</u>
--------------	--------------

<u>.....</u>	<u>.....</u>
--------------	--------------

17 3. List current economic interests, whether in the form of
18 stock, bond, dividend, interest, trust, realty, rent,
19 certificate of deposit, deposit in any financial institution,
20 pension plan, Keogh plan, Individual Retirement Account,
21 equity or creditor interest in any corporation,
22 proprietorship, partnership, instrument of indebtedness, or
23 otherwise, and every source of noninvestment income in the form
24 of a fee, commission, compensation, compensation for personal
25 service, royalty, pension, honorarium, or otherwise.

26

1
.....

2 4. List former economic interests of the type required to
3 be disclosed in response to paragraph 3 which were held during
4 the year preceding the date of disclosure.

5
.....

6
.....

7 5. List every office, directorship, and salaried
8 employment, excluding unsalaried positions in religious,
9 social, or fraternal organizations, and honorary positions.

10
.....

11
.....

12 6. List any fiduciary position, including executorships
13 and trusteeships.

14
.....

15
.....

16 7. List the name of the donor and a brief description of
17 any gifts received. Gifts of transportation, food, lodging, or
18 entertainment having a value in excess of \$250 must be
19 reported. All other gifts having a value in excess of \$100 must
20 be reported. Gifts between provided by a spouse, children, or
21 parents need not be reported.

22
.....

23
.....

24 8. List any other economic interest which could create a
25 conflict of interest as a member of the General Assembly, other
26 than those listed in paragraphs 1 through 7.

1
.....

2
.....

3 (5 ILCS 420/4A-108)

4 Sec. 4A-108. Internet-based systems of filing.

5 (a) Notwithstanding any other provision of this Act or any
6 other law, the Secretary of State and county clerks are
7 authorized to institute an Internet-based system for the filing
8 of statements of economic interests in their offices. With
9 respect to county clerk systems, the determination to institute
10 such a system shall be in the sole discretion of the county
11 clerk and shall meet the requirements set out in this Section.
12 With respect to a Secretary of State system, the determination
13 to institute such a system shall be in the sole discretion of
14 the Secretary of State and shall meet the requirements set out
15 in this Section and those Sections of the State Officials and
16 Employees Ethics Act requiring ethics officer review prior to
17 filing. The system shall be capable of allowing an ethics
18 officer to approve a statement of economic interests and shall
19 include a means to amend a statement of economic interests.
20 When this Section does not modify or remove the requirements
21 set forth elsewhere in this Article, those requirements shall
22 apply to any system of Internet-based filing authorized by this
23 Section. When this Section does modify or remove the
24 requirements set forth elsewhere in this Article, the
25 provisions of this Section shall apply to any system of

1 Internet-based filing authorized by this Section.

2 (b) In any system of Internet-based filing of statements of
3 economic interests instituted by the Secretary of State or a
4 county clerk:

5 (1) Any filing of an Internet-based statement of
6 economic interests shall be the equivalent of the filing of
7 a verified, written statement of economic interests as
8 required by Section 4A-101 or 4A-101.5 and the equivalent
9 of the filing of a verified, dated, and signed statement of
10 economic interests as required by Section 4A-104.

11 (2) The Secretary of State and county clerks who
12 institute a system of Internet-based filing of statements
13 of economic interests shall establish a password-protected
14 website to receive the filings of such statements. A
15 website established under this Section shall set forth and
16 provide a means of responding to the items set forth in
17 Section 4A-102 or 4A-102.5 that are required of a person
18 who files a statement of economic interests with that
19 officer. A website established under this Section shall set
20 forth and provide a means of generating a printable receipt
21 page acknowledging filing.

22 (3) The times for the filing of statements of economic
23 interests set forth in Section 4A-105 shall be followed in
24 any system of Internet-based filing of statements of
25 economic interests; provided that a candidate for elective
26 office who is required to file a statement of economic

1 interests in relation to his or her candidacy pursuant to
2 Section 4A-105(a) shall receive a written or printed
3 receipt for his or her filing.

4 A candidate filing for Governor, Lieutenant Governor,
5 Attorney General, Secretary of State, Treasurer,
6 Comptroller, State Senate, or State House of
7 Representatives shall not use the Internet to file his or
8 her statement of economic interests, but shall file his or
9 her statement of economic interests in a written or printed
10 form and shall receive a written or printed receipt for his
11 or her filing. Annually, the duly appointed ethics officer
12 for each legislative caucus shall certify to the Secretary
13 of State whether his or her caucus members will file their
14 statements of economic interests electronically or in a
15 written or printed format for that year. If the ethics
16 officer for a caucus certifies that the statements of
17 economic interests shall be written or printed, then
18 members of the General Assembly of that caucus shall not
19 use the Internet to file his or her statement of economic
20 interests, but shall file his or her statement of economic
21 interests in a written or printed form and shall receive a
22 written or printed receipt for his or her filing. If no
23 certification is made by an ethics officer for a
24 legislative caucus, or if a member of the General Assembly
25 is not affiliated with a legislative caucus, then the
26 affected member or members of the General Assembly may file

1 their statements of economic interests using the Internet.

2 (4) In the first year of the implementation of a system
3 of Internet-based filing of statements of economic
4 interests, each person required to file such a statement is
5 to be notified in writing of his or her obligation to file
6 his or her statement of economic interests by way of the
7 Internet-based system. If access to the website ~~web-site~~
8 requires a code or password, this information shall be
9 included in the notice prescribed by this paragraph.

10 (5) When a person required to file a statement of
11 economic interests has supplied the Secretary of State or a
12 county clerk, as applicable, with an email address for the
13 purpose of receiving notices under this Article by email, a
14 notice sent by email to the supplied email address shall be
15 the equivalent of a notice sent by first class mail, as set
16 forth in Section 4A-106 or 4A-106.5. A person who has
17 supplied such an email address shall notify the Secretary
18 of State or county clerk, as applicable, when his or her
19 email address changes or if he or she no longer wishes to
20 receive notices by email.

21 (6) If any person who is required to file a statement
22 of economic interests and who has chosen to receive notices
23 by email fails to file his or her statement by May 10, then
24 the Secretary of State or county clerk, as applicable,
25 shall send an additional email notice on that date,
26 informing the person that he or she has not filed and

1 describing the penalties for late filing and failing to
2 file. This notice shall be in addition to other notices
3 provided for in this Article.

4 (7) The Secretary of State and each county clerk who
5 institutes a system of Internet-based filing of statements
6 of economic interests may also institute an Internet-based
7 process for the filing of the list of names and addresses
8 of persons required to file statements of economic
9 interests by the chief administrative officers that must
10 file such information with the Secretary of State or county
11 clerk, as applicable, pursuant to Section 4A-106 or
12 4A-106.5. Whenever the Secretary of State or a county clerk
13 institutes such a system under this paragraph, every chief
14 administrative officer must use the system to file this
15 information.

16 (8) The Secretary of State and any county clerk who
17 institutes a system of Internet-based filing of statements
18 of economic interests shall post the contents of such
19 statements filed with him or her available for inspection
20 and copying on a publicly accessible website. Such postings
21 shall not include the addresses or signatures of the
22 filers.

23 (Source: P.A. 100-1041, eff. 1-1-19; 101-221, eff. 8-9-19;
24 revised 9-12-19.)

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