



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5837

Introduced 2/16/2012, by Rep. Kay Hatcher

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; the 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 18832 JDS 64070 b

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 to in subdivision (a)(2) of
6 this Section) from any source other than from current
7 employment by the State of Illinois.

8 (2) The source and type of income from dividends,
9 rents, interest, trusts, and capital gains, received
10 during the preceding calendar year in an amount or value of
11 more than \$200, as well as an indication of the appropriate
12 category of value of the item of income.

13 (3) The source, date, and amount of payments made to
14 charitable organizations in lieu of honoraria with a
15 corresponding list of the recipients of all of those
16 payments, together with the dates and amounts of those
17 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 (4) does not include any personal liability owed (i)
24 to 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 (4) 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 and that are owed at any
7 time during the preceding calendar year to any creditor
8 other than (i) an immediate family member of the person
9 filing the statement or (ii) an immediate family member of
10 the spouse of the person filing the statement. This item
11 does not include any of the following:

12 (A) any mortgage secured by real property that is
13 the primary personal residence of the person filing the
14 statement;

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

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

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

1 calendar year.

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

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

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

1 payments by a former employer other than the unit of
2 government in relation to which the person is required to
3 file the statement; and (iv) continuing participation in an
4 employee welfare or benefit plan with a former employer.

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

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

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

1 ~~year.~~

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

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

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

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

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

25 (1) (Blank). ~~The name and instrument of ownership in~~
26 ~~any entity doing business in the State of Illinois, in~~

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

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

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

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

25 (1) The name and instrument of ownership in any entity
26 doing business with a unit of local government in relation

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

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

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

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

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

7 (5 ILCS 420/4A-102.5 new)

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

13 (1) Any contributions in excess of \$150 in the
14 aggregate to any political committee organized under the
15 Election Code made since the end of the last preceding
16 semi-annual disclosure period and the date the person files
17 the statement of economic interests, including the amount
18 of the contribution, the date, and the recipient.

19 (2) Any contribution made to a legal defense fund since
20 the filing of the last previous statement of economic
21 interests or, if the person is filing his or her first
22 statement of economic interests, in the 12 months preceding
23 the filing date.

24 (3) The name of any immediate family member who is
25 registered as a lobbyist with any State or federal agency

1 or office.

2 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

3 Sec. 4A-103. The statement of economic interests required
4 by this Article to be filed with the Secretary of State shall
5 be ~~filled in by typewriting or hand printing, shall be~~
6 verified, dated, ~~and~~ signed by manual or electronic means as
7 appropriate by the person making the statement, and made in a
8 form prescribed by the Secretary of State that shall, in paper
9 and electronic formats, substantially replicate the design of
10 the 2002 Public Financial Disclosure Report forms employed by
11 the United States Congress for purposes of complying with the
12 Ethics in Government Act of 1978. ~~and shall contain~~
13 ~~substantially the following:~~

14 ~~STATEMENT OF ECONOMIC INTEREST~~

15 ~~(TYPE OR HAND PRINT)~~

16
17 ~~(name)~~

18
19 ~~(each office or position of employment for which this statement~~
20 ~~is filed)~~

21
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 in the State of Illinois, in which the ownership~~
8 ~~interest held by the person at the date of filing is in excess~~
9 ~~of \$5,000 fair market value or from which dividends in excess~~
10 ~~of \$1,200 were derived during the preceding calendar year. (In~~
11 ~~the case of real estate, location thereof shall be listed by~~
12 ~~street address, or if none, then by legal description.) No time~~
13 ~~or demand deposit in a financial institution, nor any debt~~
14 ~~instrument need be listed.~~

Business Entity	Instrument of Ownership
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.....

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

Name	Address	Type of Practice
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 3

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

9
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11 ~~4. List the identity (including the address or legal~~
 12 ~~description of real estate) of any capital asset from which a~~
 13 ~~capital gain of \$5,000 or more was realized during the~~
 14 ~~preceding calendar year.~~

15
 16

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

24	Lobbyist	Legislative Matter	Client or Principal
25
26

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

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

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

17
18

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

23

24 **VERIFICATION:**

25 ~~"I declare that this statement of economic interests~~
26 ~~(including any accompanying schedules and statements) has been~~

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

8 ~~.....~~ ~~.....~~
 9 ~~(date of filing)~~ ~~(signature of person making the statement)~~

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

11 (5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

12 Sec. 4A-104. The statement of economic interests required
 13 by this Article to be filed with the county clerk shall be
 14 ~~filled in by typewriting or hand printing, shall be~~ verified,
 15 dated, ~~and~~ signed by manual or electronic means as appropriate
 16 by the person making the statement, and made on a form
 17 prescribed by the Secretary of State that shall substantially
 18 replicate the design of the 2002 Public Financial Disclosure
 19 Report forms employed by the United States Congress for
 20 purposes of complying with the Ethics in Government Act of
 21 1978. shall contain substantially the following:

22 ~~STATEMENT OF ECONOMIC INTERESTS~~

23 ~~(TYPE OR HAND PRINT)~~

24 ~~.....~~
 25 ~~(Name)~~

1
 2 ~~(each office or position of employment for which this statement~~
 3 ~~is filed)~~

4 ~~(full mailing address)~~

5 ~~GENERAL DIRECTIONS:~~

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

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

11 ~~If additional space is needed, please attach supplemental~~
 12 ~~listing.~~

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

Business	Instrument of	Position of
Entity	Ownership	Management
.....
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1
.....

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

8	Name	Address	Type of Practice
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11

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

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19

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

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1 ~~5. List the name of any entity and the nature of the~~
2 ~~governmental action requested by any entity which has applied~~
3 ~~to a unit of local government in relation to which the person~~
4 ~~must file for any license, franchise or permit for annexation,~~
5 ~~zoning or rezoning of real estate during the preceding calendar~~
6 ~~year if the ownership interest of the person filing is in~~
7 ~~excess of \$5,000 fair market value at the time of filing or if~~
8 ~~income or dividends in excess of \$1200 were received by the~~
9 ~~person filing from the entity during the preceding calendar~~
10 ~~year.~~

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

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-105) (from Ch. 127, par. 604A-105)

22 Sec. 4A-105. Time for filing. Except as provided in
23 Section 4A-106.1, by May 1 of each year a statement must be
24 filed by each person whose position at that time subjects him
25 to the filing requirements of Section 4A-101 unless he has

1 already filed a statement in relation to the same unit of
2 government in that calendar year.

3 Statements must also be filed as follows:

4 (a) A candidate for elective office shall file his
5 statement not later than the end of the period during which
6 he can take the action necessary under the laws of this
7 State to attempt to qualify for nomination, election, or
8 retention to such office if he has not already filed a
9 statement in relation to the same unit of government during
10 that same calendar year ~~within a year preceding such~~
11 ~~action.~~

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

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

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

25 If any person who is required to file a statement of
26 economic interests fails to file such statement by May 1 of any

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

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

1 to file by June 30 shall result in a forfeiture in accordance
2 with Section 4A-107 of this Act.

3 All late filing fees and penalties collected pursuant to
4 this Section shall be paid into the General Revenue Fund in the
5 State treasury, if the Secretary of State receives such
6 statement for filing, or into the general fund in the county
7 treasury, if the county clerk receives such statement for
8 filing. The Attorney General, with respect to the State, and
9 the several State's Attorneys, with respect to counties, shall
10 take appropriate action to collect the prescribed penalties.

11 Failure to file a statement of economic interests within
12 the time prescribed shall not result in a fine or ineligibility
13 for, or forfeiture of, office or position of employment, as the
14 case may be; provided that the failure to file results from not
15 being included for notification by the appropriate agency,
16 clerk, secretary, officer or unit of government, as the case
17 may be, and that a statement is filed within 30 days of actual
18 notice of the failure to file.

19 Beginning with statements required to be filed on or after
20 May 1, 2009, the officer with whom a statement is to be filed
21 may, in his or her discretion, waive the late filing fee, the
22 monetary late filing penalty, and the ineligibility for or
23 forfeiture of office or position for failure to file when the
24 person's late filing of a statement or failure to file a
25 statement is due to his or her (i) serious or catastrophic
26 illness that renders the person temporarily incapable of

1 completing the statement or (ii) military service.

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

3 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

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

5 (a) The statements of economic interests required of
6 persons listed in items (a) through (f), item (j), item (l),
7 and item (n) of Section 4A-101 shall be filed with the
8 Secretary of State. The Secretary of State shall by rule
9 provide for the electronic filing of statements according to
10 the following schedule:

11 Beginning January 1, 2012, or as soon thereafter as the
12 Secretary of State has provided adequate software to persons
13 required to file under this Article, all statements filed under
14 this Article shall be filed in electronic format. The Secretary
15 shall promptly, upon verification, make all statements filed
16 under this Article publicly available by means of a searchable
17 database that is accessible through the Secretary of State's
18 website. "Searchable" means, for the purpose of this Section,
19 that any person may query each question for any proper names
20 and addresses. The Secretary of State shall provide all
21 software necessary to comply with this Section and shall
22 implement a plan to provide computer access and assistance to
23 persons required to file by this Article.

24 (b) The statements of economic interests required of
25 persons listed in items (g), (h), (i), (k), and (o) of Section

1 4A-101 shall be filed with the county clerk of the county in
2 which the principal office of the unit of local government with
3 which the person is associated is located. If it is not
4 apparent which county the principal office of a unit of local
5 government is located, the chief administrative officer, or his
6 or her designee, has the authority, for purposes of this Act,
7 to determine the county in which the principal office is
8 located.

9 (c) On or before February 1 annually, ~~(1)~~ the chief
10 administrative officer of any State agency in the executive,
11 legislative, or judicial branch employing persons required to
12 file under item (f) or item (l) of Section 4A-101 and the chief
13 administrative officer of a board described in item (n) of
14 Section 4A-101 shall certify to the Secretary of State the
15 names and mailing addresses of those persons. The State Board
16 of Elections shall, within 14 days after the proclamation of
17 the results of a general primary pursuant to Section 7-58 of
18 the Election Code, provide the Secretary of State with a true
19 alphabetical listing of the names and related information of
20 candidates who were nominated in a general primary election,
21 including their addresses and the office they are seeking. ~~and~~
22 ~~(2)~~

23 (d) On or before February 1 annually, the chief
24 administrative officer, or his or her designee, of each unit of
25 local government with persons described in items (h), (i) and
26 (k) and a board described in item (o) of Section 4A-101 shall

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

19 (e) On or before April 1 annually, the Secretary of State
20 shall notify (1) all persons whose names have been certified to
21 him under items (f), (l), and (n) of Section 4A-101, and (2)
22 all persons described in items (a) through (e) and item (j) of
23 Section 4A-101, together, in even-numbered years, with the
24 names of candidates nominated at the most recent general
25 primary, other than candidates for office who have filed their
26 statements with their nominating petitions, of the

1 requirements for filing statements of economic interests. A
2 person required to file with the Secretary of State by virtue
3 of more than one item among items (a) through (f) and items
4 (j), (l), and (n) shall be notified of and is required to file
5 only one statement of economic interests relating to all items
6 under which the person is required to file with the Secretary
7 of State.

8 (f) On or before April 1 annually, the county clerk of each
9 county shall notify all persons whose names have been certified
10 to him under items (g), (h), (i), (k), and (o) of Section
11 4A-101, ~~other than candidates for office who have filed their~~
12 ~~statements with their nominating petitions,~~ of the
13 requirements for filing statements of economic interests. A
14 person required to file with a county clerk by virtue of more
15 than one item among items (g), (h), (i), (k), and (o) shall be
16 notified of and is required to file only one statement of
17 economic interests relating to all items under which the person
18 is required to file with that county clerk.

19 (g) Except as provided in Section 4A-106.1, the notices
20 provided for in this Section shall be in writing and deposited
21 in the U.S. Mail, properly addressed, first class postage
22 prepaid, on or before the day required by this Section for the
23 sending of the notice. Alternatively, a county clerk may send
24 the notices electronically to all persons whose names have been
25 thus certified to him under item (h), (i), or (k) of Section
26 4A-101. A certificate executed by the Secretary of State or

1 county clerk attesting that he or she has sent the notice by
2 the means permitted by this Section constitutes prima facie
3 evidence thereof.

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

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

22 (j) Any person who files or has filed a statement of
23 economic interest under this Act is entitled to receive from
24 the Secretary of State or county clerk, as the case may be, a
25 receipt indicating that the person has filed such a statement,
26 the date of such filing, and the identity of the governmental

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

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

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

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

22 (Source: P.A. 96-6, eff. 4-3-09; 96-1336, eff. 1-1-11.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.