



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5579

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

5 ILCS 312/3-101	from Ch. 102, par. 203-101
5 ILCS 420/4A-103	from Ch. 127, par. 604A-103
5 ILCS 420/4A-108	
5 ILCS 430/20-23	
5 ILCS 430/25-23	
5 ILCS 430/30-10	

Amends the Illinois Notary Public Act. Provides that provisions requiring a notary public to officially sign every notary certificate and affix the rubber stamp seal clearly and legibly using black ink, so that it is capable of photographic reproduction, as well as a provision concerning illegibility, shall apply beyond July 1, 2013. Amends the Illinois Governmental Ethics Act. Provides that the required statement of economic interests to be filed with the Secretary of State shall be filed electronically, unless otherwise required by statute (rather than by typewriting or hand printing). Provides for the review of statements of economic interest and disclosure forms by ethics officers within 30 days after the deadline for filing with the Secretary of State (rather than prior to filing). Provides that a statement of economic interest shall be considered filed for the purposes of late fees and penalties on the date it is uploaded by the filer to the Internet-based system of filing. Amends the State Officials and Employees Ethics Act to make conforming changes.

LRB099 20141 RJF 44582 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 Notary Public Act is amended by
5 changing Section 3-101 as follows:

6 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

7 Sec. 3-101. Official Seal and Signature.

8 (a) Each notary public shall, upon receiving the commission
9 from the county clerk, obtain an official rubber stamp seal
10 with which the notary shall authenticate his official acts. The
11 rubber stamp seal shall contain the following information:

12 (1) the words "Official Seal";

13 (2) the notary's official name;

14 (3) the words "Notary Public", "State of Illinois", and
15 "My commission expires _____ (commission expiration
16 date)"; and

17 (4) a serrated or milled edge border in a rectangular
18 form not more than one inch in height by two and one-half
19 inches in length surrounding the information.

20 (b) At the time of the notarial act, a notary public shall
21 officially sign every notary certificate and affix the rubber
22 stamp seal clearly and legibly using black ink, so that it is
23 capable of photographic reproduction. The illegibility of any

1 of the information required by this Section does not affect the
2 validity of a transaction.

3 ~~This subsection does not apply on or after July 1, 2013.~~

4 (Source: P.A. 95-988, eff. 6-1-09.)

5 Section 10. The Illinois Governmental Ethics Act is amended
6 by changing Sections 4A-103 and 4A-108 as follows:

7 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

8 Sec. 4A-103. The statement of economic interests required
9 by this Article to be filed with the Secretary of State shall
10 be filed electronically, unless otherwise required by statute
11 ~~filled in by typewriting or hand printing,~~ and shall be
12 verified, dated, and signed by the person making the statement
13 and shall contain 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

1 making the statement) of a spouse or any other party, shall be
2 considered to be the same as the interest of the person making
3 the statement.

4 Campaign receipts shall not be included in this statement.

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

7 1. List the name and instrument of ownership in any entity
8 doing business in the State of Illinois, 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 derived 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 need be listed.

16 Business Entity	Instrument of Ownership
17
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 State of Illinois) to each entity from which income
7 exceeding \$5,000 was received for professional services
8 rendered during the preceding calendar year by the person
9 making the statement.

10
11

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

16
17

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

25	Lobbyist	Legislative Matter	Client or Principal
26

1
2

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

10	Entity	Position Held
11
12
13

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

18
19

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

24

25 VERIFICATION:

26 "I declare that this statement of economic interests

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

9
 10 (date of filing) (signature of person making the statement)
 11 (Source: P.A. 95-173, eff. 1-1-08.)

12 (5 ILCS 420/4A-108)

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

14 (a) Notwithstanding any other provision of this Act or any
 15 other law, the Secretary of State and county clerks are
 16 authorized to institute an Internet-based system for the filing
 17 of statements of economic interests in their offices. With
 18 respect to county clerk systems, the determination to institute
 19 such a system shall be in the sole discretion of the county
 20 clerk and shall meet the requirements set out in this Section.
 21 With respect to a Secretary of State system, the determination
 22 to institute such a system shall be in the sole discretion of
 23 the Secretary of State and shall meet the requirements set out
 24 in this Section and those Sections of the State Officials and
 25 Employees Ethics Act requiring ethics officer review within 30

1 days after the deadline for filing with the Secretary of State
2 ~~prior to filing~~. The system shall be capable of allowing an
3 ethics officer to review ~~approve~~ a statement of economic
4 interests and shall include a means to amend a statement of
5 economic interests. When this Section does not modify or remove
6 the requirements set forth elsewhere in this Article, those
7 requirements shall apply to any system of Internet-based filing
8 authorized by this Section. When this Section does modify or
9 remove the requirements set forth elsewhere in this Article,
10 the provisions of this Section shall apply to any system of
11 Internet-based filing authorized by this Section.

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

15 (1) Any filing of an Internet-based statement of
16 economic interests shall be the equivalent of the filing of
17 a verified, written statement of economic interests as
18 required by Section 4A-101 and the equivalent of the filing
19 of a verified, dated, and signed statement of economic
20 interests as required by Section 4A-104.

21 (2) The Secretary of State and county clerks who
22 institute a system of Internet-based filing of statements
23 of economic interests shall establish a password-protected
24 website to receive the filings of such statements. A
25 website established under this Section shall set forth and
26 provide a means of responding to the items set forth in

1 Section 4A-102 that are required of a person who files a
2 statement of economic interests with that officer. A
3 website established under this Section shall set forth and
4 provide a means of generating a printable receipt page
5 acknowledging filing.

6 (3) The times for the filing of statements of economic
7 interests set forth in Section 4A-105 shall be followed in
8 any system of Internet-based filing of statements of
9 economic interests; provided that a candidate for elective
10 office who is required to file a statement of economic
11 interests in relation to his or her candidacy pursuant to
12 Section 4A-105(a) shall not use the Internet to file his or
13 her statement of economic interests but shall file his or
14 her statement of economic interests in a written or printed
15 form and shall receive a written or printed receipt for his
16 or her filing.

17 (4) In the first year of the implementation of a system
18 of Internet-based filing of statements of economic
19 interests, each person required to file such a statement is
20 to be notified in writing of his or her obligation to file
21 his or her statement of economic interests by way of the
22 Internet-based system. If access to the web site requires a
23 code or password, this information shall be included in the
24 notice prescribed by this paragraph.

25 (5) When a person required to file a statement of
26 economic interests has supplied the Secretary of State or a

1 county clerk, as applicable, with an email address for the
2 purpose of receiving notices under this Article by email, a
3 notice sent by email to the supplied email address shall be
4 the equivalent of a notice sent by first class mail, as set
5 forth in Section 4A-106. A person who has supplied such an
6 email address shall notify the Secretary of State or county
7 clerk, as applicable, when his or her email address changes
8 or if he or she no longer wishes to receive notices by
9 email.

10 (6) If any person who is required to file a statement
11 of economic interests and who has chosen to receive notices
12 by email fails to file his or her statement by May 10, then
13 the Secretary of State or county clerk, as applicable,
14 shall send an additional email notice on that date,
15 informing the person that he or she has not filed and
16 describing the penalties for late filing and failing to
17 file. This notice shall be in addition to other notices
18 provided for in this Article.

19 (7) The Secretary of State and each county clerk who
20 institutes a system of Internet-based filing of statements
21 of economic interests may also institute an Internet-based
22 process for the filing of the list of names and addresses
23 of persons required to file statements of economic
24 interests by the chief administrative officers that must
25 file such information with the Secretary of State or county
26 clerk, as applicable, pursuant to Section 4A-106. Whenever

1 the Secretary of State or a county clerk institutes such a
2 system under this paragraph, every chief administrative
3 officer must use the system to file this information.

4 (8) The Secretary of State and any county clerk who
5 institutes a system of Internet-based filing of statements
6 of economic interests shall post the contents of such
7 statements filed with him or her available for inspection
8 and copying on a publicly accessible website. Such postings
9 shall not include the addresses or signatures of the
10 filers.

11 (9) A statement of economic interest shall be
12 considered filed for the purposes of late fees and
13 penalties on the date it is uploaded by the filer to the
14 Internet-based system of filing.

15 (Source: P.A. 99-108, eff. 7-22-15.)

16 Section 15. The State Officials and Employees Ethics Act is
17 amended by changing Sections 20-23, 25-23, and 30-10 as
18 follows:

19 (5 ILCS 430/20-23)

20 Sec. 20-23. Ethics Officers. Each officer and the head of
21 each State agency under the jurisdiction of the Executive
22 Ethics Commission shall designate an Ethics Officer for the
23 office or State agency. The board of each Regional Transit
24 Board shall designate an Ethics Officer. Ethics Officers shall:

1 (1) act as liaisons between the State agency or
2 Regional Transit Board and the appropriate Executive
3 Inspector General and between the State agency or Regional
4 Transit Board and the Executive Ethics Commission;

5 (2) review statements of economic interest and
6 disclosure forms of officers, senior employees, and
7 contract monitors within 30 days after the deadline for
8 filing ~~before they are filed~~ with the Secretary of State;
9 and

10 (3) provide guidance to officers and employees in the
11 interpretation and implementation of this Act, which the
12 officer or employee may in good faith rely upon. Such
13 guidance shall be based, wherever possible, upon legal
14 precedent in court decisions, opinions of the Attorney
15 General, and the findings and opinions of the Executive
16 Ethics Commission.

17 (Source: P.A. 96-1528, eff. 7-1-11.)

18 (5 ILCS 430/25-23)

19 Sec. 25-23. Ethics Officers. The President and Minority
20 Leader of the Senate and the Speaker and Minority Leader of the
21 House of Representatives shall each appoint an ethics officer
22 for the members and employees of his or her legislative caucus.
23 No later than January 1, 2004, the head of each State agency
24 under the jurisdiction of the Legislative Ethics Commission,
25 other than the General Assembly, shall designate an ethics

1 officer for the State agency. Ethics Officers shall:

2 (1) act as liaisons between the State agency and the
3 Legislative Inspector General and between the State agency
4 and the Legislative Ethics Commission;

5 (2) review statements of economic interest and
6 disclosure forms of officers, senior employees, and
7 contract monitors within 30 days after the deadline for
8 filing ~~before they are filed~~ with the Secretary of State;
9 and

10 (3) provide guidance to officers and employees in the
11 interpretation and implementation of this Act, which the
12 officer or employee may in good faith rely upon. Such
13 guidance shall be based, wherever possible, upon legal
14 precedent in court decisions, opinions of the Attorney
15 General, and the findings and opinions of the Legislative
16 Ethics Commission.

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

18 (5 ILCS 430/30-10)

19 Sec. 30-10. Ethics Officer. The Auditor General shall
20 designate an Ethics Officer for the office of the Auditor
21 General. The ethics officer shall:

22 (1) act as liaison between the Office of the Auditor
23 General and the Inspector General appointed under this
24 Article;

25 (2) review statements of economic interest and

1 disclosure forms of officers, senior employees, and
2 contract monitors within 30 days after the deadline for
3 filing ~~before they are filed~~ with the Secretary of State;
4 and

5 (3) provide guidance to officers and employees in the
6 interpretation and implementation of this Act, which the
7 officer or employee may in good faith rely upon. Such
8 guidance shall be based, whenever possible, upon legal
9 precedent in court decisions and opinions of the Attorney
10 General.

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