



Sen. Jason A. Barickman

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10000HB4395sam001

LRB100 17252 RJF 39447 a

1 AMENDMENT TO HOUSE BILL 4395

2 AMENDMENT NO. _____. Amend House Bill 4395 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended
5 by changing Section 4A-108 as follows:

6 (5 ILCS 420/4A-108)

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

8 (a) Notwithstanding any other provision of this Act or any
9 other law, the Secretary of State and county clerks are
10 authorized to institute an Internet-based system for the filing
11 of statements of economic interests in their offices. With
12 respect to county clerk systems, the determination to institute
13 such a system shall be in the sole discretion of the county
14 clerk and shall meet the requirements set out in this Section.
15 With respect to a Secretary of State system, the determination
16 to institute such a system shall be in the sole discretion of

1 the Secretary of State and shall meet the requirements set out
2 in this Section and those Sections of the State Officials and
3 Employees Ethics Act requiring ethics officer review prior to
4 filing. The system shall be capable of allowing an ethics
5 officer to approve a statement of economic interests and shall
6 include a means to amend a statement of economic interests.
7 When this Section does not modify or remove the requirements
8 set forth elsewhere in this Article, those requirements shall
9 apply to any system of Internet-based filing authorized by this
10 Section. When this Section does modify or remove the
11 requirements set forth elsewhere in this Article, the
12 provisions of this Section shall apply to any system of
13 Internet-based filing authorized by this Section.

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

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

23 (2) The Secretary of State and county clerks who
24 institute a system of Internet-based filing of statements
25 of economic interests shall establish a password-protected
26 website to receive the filings of such statements. A

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

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

19 A candidate filing for Governor, Lieutenant Governor,
20 Attorney General, Secretary of State, Treasurer,
21 Comptroller, State Senate, or State House of
22 Representatives shall not use the Internet to file his or
23 her statement of economic interests, but shall file his or
24 her statement of economic interests in a written or printed
25 form and shall receive a written or printed receipt for his
26 or her filing. Annually, the duly appointed ethics officer

1 for each legislative caucus shall certify to the Secretary
2 of State whether his or her caucus members will file their
3 statements of economic interests electronically or in a
4 written or printed format for that year. If the ethics
5 officer for a caucus certifies that the statements of
6 economic interests shall be written or printed, then
7 members of the General Assembly of that caucus shall not
8 use the Internet to file his or her statement of economic
9 interests, but shall file his or her statement of economic
10 interests in a written or printed form and shall receive a
11 written or printed receipt for his or her filing. If no
12 certification is made by an ethics officer for a
13 legislative caucus, or if a member of the General Assembly
14 is not affiliated with a legislative caucus, then the
15 affected member or members of the General Assembly may file
16 their statements of economic interests using the Internet.

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