



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2455

Introduced 02/17/05, by Rep. Paul D. Froehlich - Mike Boland

SYNOPSIS AS INTRODUCED:

5 ILCS 420/4A-106

from Ch. 127, par. 604A-106

Amends the Illinois Governmental Ethics Act. Eliminates the requirement the county clerk must notify a person when his or her statement of economic interests is examined. Effective immediately.

LRB094 10379 JAM 40649 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 Section 4A-106 as follows:

6 (5 ILCS 420/4A-106) (from Ch. 127, par. 604A-106)

7 Sec. 4A-106. The statements of economic interests required
8 of persons listed in items (a) through (f), item (j), and item
9 (l) of Section 4A-101 shall be filed with the Secretary of
10 State. The statements of economic interests required of persons
11 listed in items (g), (h), (i), and (k) of Section 4A-101 shall
12 be filed with the county clerk of the county in which the
13 principal office of the unit of local government with which the
14 person is associated is located. If it is not apparent which
15 county the principal office of a unit of local government is
16 located, the chief administrative officer, or his or her
17 designee, has the authority, for purposes of this Act, to
18 determine the county in which the principal office is located.
19 On or before February 1 annually, (1) the chief administrative
20 officer of any State agency in the executive, legislative, or
21 judicial branch employing persons required to file under item
22 (f) or item (l) of Section 4A-101 shall certify to the
23 Secretary of State the names and mailing addresses of those
24 persons, and (2) the chief administrative officer, or his or
25 her designee, of each unit of local government with persons
26 described in items (h), (i) and (k) of Section 4A-101 shall
27 certify to the appropriate county clerk a list of names and
28 addresses of persons described in items (h), (i) and (k) of
29 Section 4A-101 that are required to file. In preparing the
30 lists, each chief administrative officer, or his or her
31 designee, shall set out the names in alphabetical order.

32 On or before April 1 annually, the Secretary of State shall

1 notify (1) all persons whose names have been certified to him
2 under items (f) and (l) of Section 4A-101, and (2) all persons
3 described in items (a) through (e) and item (j) of Section
4 4A-101, other than candidates for office who have filed their
5 statements with their nominating petitions, of the
6 requirements for filing statements of economic interests. A
7 person required to file with the Secretary of State by virtue
8 of more than one item among items (a) through (f) and items (j)
9 and (l) shall be notified of and is required to file only one
10 statement of economic interests relating to all items under
11 which the person is required to file with the Secretary of
12 State.

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

24 Except as provided in Section 4A-106.1, the notices
25 provided for in this Section shall be in writing and deposited
26 in the U.S. Mail, properly addressed, first class postage
27 prepaid, on or before the day required by this Section for the
28 sending of the notice. A certificate executed by the Secretary
29 of State or county clerk attesting that he has mailed the
30 notice constitutes prima facie evidence thereof.

31 From the lists certified to him under this Section of
32 persons described in items (g), (h), (i), and (k) of Section
33 4A-101, the clerk of each county shall compile an alphabetical
34 listing of persons required to file statements of economic
35 interests in his office under any of those items. As the
36 statements are filed in his office, the county clerk shall

1 cause the fact of that filing to be indicated on the
2 alphabetical listing of persons who are required to file
3 statements. Within 30 days after the due dates, the county
4 clerk shall mail to the State Board of Elections a true copy of
5 that listing showing those who have filed statements.

6 The county clerk of each county shall note upon the
7 alphabetical listing the names of all persons required to file
8 a statement of economic interests who failed to file a
9 statement on or before May 1. It shall be the duty of the
10 several county clerks to give notice as provided in Section
11 4A-105 to any person who has failed to file his or her
12 statement with the clerk on or before May 1.

13 Any person who files or has filed a statement of economic
14 interest under this Act is entitled to receive from the
15 Secretary of State or county clerk, as the case may be, a
16 receipt indicating that the person has filed such a statement,
17 the date of such filing, and the identity of the governmental
18 unit or units in relation to which the filing is required.

19 The Secretary of State may employ such employees and
20 consultants as he considers necessary to carry out his duties
21 hereunder, and may prescribe their duties, fix their
22 compensation, and provide for reimbursement of their expenses.

23 All statements of economic interests filed under this
24 Section shall be available for examination and copying by the
25 public at all reasonable times. Not later than 12 months after
26 the effective date of this amendatory Act of the 93rd General
27 Assembly, beginning with statements filed in calendar year
28 2004, the Secretary of State shall make statements of economic
29 interests filed with the Secretary available for inspection and
30 copying via the Secretary's website. Each person examining a
31 statement filed with the county clerk must first fill out a
32 form prepared by the Secretary of State identifying the
33 examiner by name, occupation, address and telephone number, and
34 listing the date of examination and reason for such
35 examination. The Secretary of State shall supply such forms to
36 the county clerks annually and replenish such forms upon

1 request.

2 ~~The county clerk shall promptly notify each person required~~
3 ~~to file a statement under this Article of each instance of an~~
4 ~~examination of his statement by sending him a duplicate~~
5 ~~original of the identification form filled out by the person~~
6 ~~examining his statement.~~

7 (Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.