**Section 203.40 Definitions**

a) For purposes of this Part the term "company" is defined in Subsection (e) of Section 2 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 614).

b) The terms "solicit" and "solicitation" for purposes of this Part include:

1) Any request for a proxy, whether or not accompanied by or included in a form of proxy; or

2) any request to execute or not to execute, or to revoke, a proxy; or

3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy.

c) The terms "solicit" and "solicitation" do not include:

1) any solicitation by a person concerning securities of which he is the beneficial owner;

2) action by a broker or other person concerning securities carried in his name or in the name of his nominee in forwarding to the beneficial owner of the securities soliciting material received from the company, or impartially instructing the beneficial owner to forward a proxy to the person, in any, to whom the beneficial owner desires to give a proxy, or impartially requesting instructions from the beneficial owner concerning the authority to be conferred by the proxy and stating that a proxy will be given if the instructions are received by a certain date;

3) the furnishing of a form of proxy to a security holder upon the unsolicited request from the security holder, or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(Source: Amended at 2 Ill. Reg. 48, p. 38, effective November 30, 1978)