



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4189

Introduced 11/30/2007, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

5 ILCS 430/1-5
5 ILCS 430/70-5

Amends the State Officials and Employees Ethics Act. Classifies community college districts as units of local government that must adopt resolutions regulating the political activities and the solicitation and acceptance of gifts by their officials and employees (now, classified as State agencies subject to the entire Act's regulation and enforcement by the Executive Ethics Commission and the Governor's Executive Inspector General). Effective immediately.

LRB095 14356 RAS 40256 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 State Officials and Employees Ethics Act is
5 amended by changing Sections 1-5 and 70-5 as follows:

6 (5 ILCS 430/1-5)

7 Sec. 1-5. Definitions. As used in this Act:

8 "Appointee" means a person appointed to a position in or
9 with a State agency, regardless of whether the position is
10 compensated.

11 "Campaign for elective office" means any activity in
12 furtherance of an effort to influence the selection,
13 nomination, election, or appointment of any individual to any
14 federal, State, or local public office or office in a political
15 organization, or the selection, nomination, or election of
16 Presidential or Vice-Presidential electors, but does not
17 include activities (i) relating to the support or opposition of
18 any executive, legislative, or administrative action (as those
19 terms are defined in Section 2 of the Lobbyist Registration
20 Act), (ii) relating to collective bargaining, or (iii) that are
21 otherwise in furtherance of the person's official State duties.

22 "Candidate" means a person who has filed nominating papers
23 or petitions for nomination or election to an elected State

1 office, or who has been appointed to fill a vacancy in
2 nomination, and who remains eligible for placement on the
3 ballot at either a general primary election or general
4 election.

5 "Collective bargaining" has the same meaning as that term
6 is defined in Section 3 of the Illinois Public Labor Relations
7 Act.

8 "Commission" means an ethics commission created by this
9 Act.

10 "Compensated time" means any time worked by or credited to
11 a State employee that counts toward any minimum work time
12 requirement imposed as a condition of employment with a State
13 agency, but does not include any designated State holidays or
14 any period when the employee is on a leave of absence.

15 "Compensatory time off" means authorized time off earned by
16 or awarded to a State employee to compensate in whole or in
17 part for time worked in excess of the minimum work time
18 required of that employee as a condition of employment with a
19 State agency.

20 "Contribution" has the same meaning as that term is defined
21 in Section 9-1.4 of the Election Code.

22 "Employee" means (i) any person employed full-time,
23 part-time, or pursuant to a contract and whose employment
24 duties are subject to the direction and control of an employer
25 with regard to the material details of how the work is to be
26 performed or (ii) any appointee.

1 "Executive branch constitutional officer" means the
2 Governor, Lieutenant Governor, Attorney General, Secretary of
3 State, Comptroller, and Treasurer.

4 "Gift" means any gratuity, discount, entertainment,
5 hospitality, loan, forbearance, or other tangible or
6 intangible item having monetary value including, but not
7 limited to, cash, food and drink, and honoraria for speaking
8 engagements related to or attributable to government
9 employment or the official position of an employee, member, or
10 officer.

11 "Governmental entity" means a unit of local government
12 (including a community college district) or a school district
13 but not a State agency.

14 "Leave of absence" means any period during which a State
15 employee does not receive (i) compensation for State
16 employment, (ii) service credit towards State pension
17 benefits, and (iii) health insurance benefits paid for by the
18 State.

19 "Legislative branch constitutional officer" means a member
20 of the General Assembly and the Auditor General.

21 "Legislative leader" means the President and Minority
22 Leader of the Senate and the Speaker and Minority Leader of the
23 House of Representatives.

24 "Member" means a member of the General Assembly.

25 "Officer" means an executive branch constitutional officer
26 or a legislative branch constitutional officer.

1 "Political" means any activity in support of or in
2 connection with any campaign for elective office or any
3 political organization, but does not include activities (i)
4 relating to the support or opposition of any executive,
5 legislative, or administrative action (as those terms are
6 defined in Section 2 of the Lobbyist Registration Act), (ii)
7 relating to collective bargaining, or (iii) that are otherwise
8 in furtherance of the person's official State duties or
9 governmental and public service functions.

10 "Political organization" means a party, committee,
11 association, fund, or other organization (whether or not
12 incorporated) that is required to file a statement of
13 organization with the State Board of Elections or a county
14 clerk under Section 9-3 of the Election Code, but only with
15 regard to those activities that require filing with the State
16 Board of Elections or a county clerk.

17 "Prohibited political activity" means:

18 (1) Preparing for, organizing, or participating in any
19 political meeting, political rally, political
20 demonstration, or other political event.

21 (2) Soliciting contributions, including but not
22 limited to the purchase of, selling, distributing, or
23 receiving payment for tickets for any political
24 fundraiser, political meeting, or other political event.

25 (3) Soliciting, planning the solicitation of, or
26 preparing any document or report regarding any thing of

1 value intended as a campaign contribution.

2 (4) Planning, conducting, or participating in a public
3 opinion poll in connection with a campaign for elective
4 office or on behalf of a political organization for
5 political purposes or for or against any referendum
6 question.

7 (5) Surveying or gathering information from potential
8 or actual voters in an election to determine probable vote
9 outcome in connection with a campaign for elective office
10 or on behalf of a political organization for political
11 purposes or for or against any referendum question.

12 (6) Assisting at the polls on election day on behalf of
13 any political organization or candidate for elective
14 office or for or against any referendum question.

15 (7) Soliciting votes on behalf of a candidate for
16 elective office or a political organization or for or
17 against any referendum question or helping in an effort to
18 get voters to the polls.

19 (8) Initiating for circulation, preparing,
20 circulating, reviewing, or filing any petition on behalf of
21 a candidate for elective office or for or against any
22 referendum question.

23 (9) Making contributions on behalf of any candidate for
24 elective office in that capacity or in connection with a
25 campaign for elective office.

26 (10) Preparing or reviewing responses to candidate

1 questionnaires in connection with a campaign for elective
2 office or on behalf of a political organization for
3 political purposes.

4 (11) Distributing, preparing for distribution, or
5 mailing campaign literature, campaign signs, or other
6 campaign material on behalf of any candidate for elective
7 office or for or against any referendum question.

8 (12) Campaigning for any elective office or for or
9 against any referendum question.

10 (13) Managing or working on a campaign for elective
11 office or for or against any referendum question.

12 (14) Serving as a delegate, alternate, or proxy to a
13 political party convention.

14 (15) Participating in any recount or challenge to the
15 outcome of any election, except to the extent that under
16 subsection (d) of Section 6 of Article IV of the Illinois
17 Constitution each house of the General Assembly shall judge
18 the elections, returns, and qualifications of its members.

19 "Prohibited source" means any person or entity who:

20 (1) is seeking official action (i) by the member or
21 officer or (ii) in the case of an employee, by the employee
22 or by the member, officer, State agency, or other employee
23 directing the employee;

24 (2) does business or seeks to do business (i) with the
25 member or officer or (ii) in the case of an employee, with
26 the employee or with the member, officer, State agency, or

1 other employee directing the employee;

2 (3) conducts activities regulated (i) by the member or
3 officer or (ii) in the case of an employee, by the employee
4 or by the member, officer, State agency, or other employee
5 directing the employee;

6 (4) has interests that may be substantially affected by
7 the performance or non-performance of the official duties
8 of the member, officer, or employee; or

9 (5) is registered or required to be registered with the
10 Secretary of State under the Lobbyist Registration Act,
11 except that an entity not otherwise a prohibited source
12 does not become a prohibited source merely because a
13 registered lobbyist is one of its members or serves on its
14 board of directors.

15 "State agency" includes all officers, boards, commissions
16 and agencies created by the Constitution, whether in the
17 executive or legislative branch; all officers, departments,
18 boards, commissions, agencies, institutions, authorities,
19 public institutions of higher learning as defined in Section 2
20 of the Higher Education Cooperation Act (except community
21 colleges), and bodies politic and corporate of the State; and
22 administrative units or corporate outgrowths of the State
23 government which are created by or pursuant to statute, other
24 than units of local government (including community college
25 districts) and their officers, school districts, and boards of
26 election commissioners; and all administrative units and

1 corporate outgrowths of the above and as may be created by
2 executive order of the Governor. "State agency" includes the
3 General Assembly, the Senate, the House of Representatives, the
4 President and Minority Leader of the Senate, the Speaker and
5 Minority Leader of the House of Representatives, the Senate
6 Operations Commission, and the legislative support services
7 agencies. "State agency" includes the Office of the Auditor
8 General. "State agency" does not include the judicial branch.

9 "State employee" means any employee of a State agency.

10 "Ultimate jurisdictional authority" means the following:

11 (1) For members, legislative partisan staff, and
12 legislative secretaries, the appropriate legislative
13 leader: President of the Senate, Minority Leader of the
14 Senate, Speaker of the House of Representatives, or
15 Minority Leader of the House of Representatives.

16 (2) For State employees who are professional staff or
17 employees of the Senate and not covered under item (1), the
18 Senate Operations Commission.

19 (3) For State employees who are professional staff or
20 employees of the House of Representatives and not covered
21 under item (1), the Speaker of the House of
22 Representatives.

23 (4) For State employees who are employees of the
24 legislative support services agencies, the Joint Committee
25 on Legislative Support Services.

26 (5) For State employees of the Auditor General, the

1 Auditor General.

2 (6) For State employees of public institutions of
3 higher learning as defined in Section 2 of the Higher
4 Education Cooperation Act (except community colleges), the
5 board of trustees of the appropriate public institution of
6 higher learning.

7 (7) For State employees of an executive branch
8 constitutional officer other than those described in
9 paragraph (6), the appropriate executive branch
10 constitutional officer.

11 (8) For State employees not under the jurisdiction of
12 paragraph (1), (2), (3), (4), (5), (6), or (7), the
13 Governor.

14 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03;
15 93-685, eff. 7-8-04.)

16 (5 ILCS 430/70-5)

17 Sec. 70-5. Adoption by governmental entities.

18 (a) Within 6 months after the effective date of this Act,
19 each governmental entity other than a community college
20 district, and each community college district within 6 months
21 after the effective date of this amendatory Act of the 95th
22 General Assembly, shall adopt an ordinance or resolution that
23 regulates, in a manner no less restrictive than Section 5-15
24 and Article 10 of this Act, (i) the political activities of
25 officers and employees of the governmental entity and (ii) the

1 soliciting and accepting of gifts by and the offering and
2 making of gifts to officers and employees of the governmental
3 entity.

4 (b) Within 3 months after the effective date of this
5 amendatory Act of the 93rd General Assembly, the Attorney
6 General shall develop model ordinances and resolutions for the
7 purpose of this Article. The Attorney General shall advise
8 governmental entities on their contents and adoption.

9 (c) As used in this Article, (i) an "officer" means an
10 elected or appointed official; regardless of whether the
11 official is compensated, and (ii) an "employee" means a
12 full-time, part-time, or contractual employee.

13 (Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.