

# SB1986



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1986

Introduced 2/9/2023, by Sen. Julie A. Morrison

### SYNOPSIS AS INTRODUCED:

5 ILCS 430/1-5  
5 ILCS 430/5-15

Amends the State Officials and Employees Ethics Act. Prohibits a member from refusing casework service to an individual who resides in the member's district based solely upon the individual's political affiliation. Defines "casework service". Effective immediately.

LRB103 28905 DTM 55291 b

A BILL FOR

1 AN ACT concerning State 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 5-15 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 "Board members of Regional Transit Boards" means any  
12 person appointed to serve on the governing board of a Regional  
13 Transit Board.

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

1 (iii) that are otherwise in furtherance of the person's  
2 official State duties.

3 "Candidate" means a person who has filed nominating papers  
4 or petitions for nomination or election to an elected State  
5 office, or who has been appointed to fill a vacancy in  
6 nomination, and who remains eligible for placement on the  
7 ballot at either a general primary election or general  
8 election.

9 "Casework service" means any of the following types of  
10 actions taken by a member or the member's staff on behalf of an  
11 individual, business, school, non-for-profit organization, or  
12 governmental entity who resides in the member's district:

13 (1) requesting information or a status report from a  
14 State agency in the executive branch;

15 (2) urging fair and ethical consideration of a matter  
16 by a State agency in the executive branch; or

17 (3) arranging for meetings or interviews with a State  
18 agency in the executive branch.

19 "Collective bargaining" has the same meaning as that term  
20 is defined in Section 3 of the Illinois Public Labor Relations  
21 Act.

22 "Commission" means an ethics commission created by this  
23 Act.

24 "Compensated time" means any time worked by or credited to  
25 a State employee that counts toward any minimum work time  
26 requirement imposed as a condition of employment with a State

1 agency, but does not include any designated State holidays or  
2 any period when the employee is on a leave of absence.

3 "Compensatory time off" means authorized time off earned  
4 by or awarded to a State employee to compensate in whole or in  
5 part for time worked in excess of the minimum work time  
6 required of that employee as a condition of employment with a  
7 State agency.

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

10 "Employee" means (i) any person employed full-time,  
11 part-time, or pursuant to a contract and whose employment  
12 duties are subject to the direction and control of an employer  
13 with regard to the material details of how the work is to be  
14 performed or (ii) any appointed or elected commissioner,  
15 trustee, director, or board member of a board of a State  
16 agency, including any retirement system or investment board  
17 subject to the Illinois Pension Code or (iii) any other  
18 appointee.

19 "Employment benefits" include but are not limited to the  
20 following: modified compensation or benefit terms; compensated  
21 time off; or change of title, job duties, or location of office  
22 or employment. An employment benefit may also include  
23 favorable treatment in determining whether to bring any  
24 disciplinary or similar action or favorable treatment during  
25 the course of any disciplinary or similar action or other  
26 performance review.

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. The value of a gift may be further defined by rules  
11 adopted by the appropriate ethics commission or by the Auditor  
12 General for the Auditor General and for employees of the  
13 office of the Auditor General.

14 "Governmental entity" means a unit of local government  
15 (including a community college district) or a school district  
16 but not a State agency or a Regional Transit Board.

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

22 "Legislative branch constitutional officer" means a member  
23 of the General Assembly and the Auditor General.

24 "Legislative leader" means the President and Minority  
25 Leader of the Senate and the Speaker and Minority Leader of the  
26 House of Representatives.

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

2 "Officer" means an executive branch constitutional officer  
3 or a legislative branch constitutional officer.

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

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

20 "Prohibited political activity" means:

21 (1) Preparing for, organizing, or participating in any  
22 political meeting, political rally, political  
23 demonstration, or other political event.

24 (2) Soliciting contributions, including but not  
25 limited to the purchase of, selling, distributing, or  
26 receiving payment for tickets for any political

1 fundraiser, political meeting, or other political event.

2 (3) Soliciting, planning the solicitation of, or  
3 preparing any document or report regarding any thing of  
4 value intended as a campaign contribution.

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

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

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

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

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

26 (9) Making contributions on behalf of any candidate

1 for elective office in that capacity or in connection with  
2 a campaign for elective office.

3 (10) Preparing or reviewing responses to candidate  
4 questionnaires in connection with a campaign for elective  
5 office or on behalf of a political organization for  
6 political purposes.

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

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

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

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

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

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

24 (1) is seeking official action (i) by the member or  
25 officer or (ii) in the case of an employee, by the employee  
26 or by the member, officer, State agency, or other employee



1 directing the employee;

2 (2) does business or seeks to do business (i) with the  
3 member or officer or (ii) in the case of an employee, with  
4 the employee or with the member, officer, State agency, or  
5 other employee directing the employee;

6 (3) conducts activities regulated (i) by the member or  
7 officer or (ii) in the case of an employee, by the employee  
8 or by the member, officer, State agency, or other employee  
9 directing the employee;

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

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

19 (6) is an agent of, a spouse of, or an immediate family  
20 member who is living with a "prohibited source".

21 "Regional Transit Boards" means (i) the Regional  
22 Transportation Authority created by the Regional  
23 Transportation Authority Act, (ii) the Suburban Bus Division  
24 created by the Regional Transportation Authority Act, (iii)  
25 the Commuter Rail Division created by the Regional  
26 Transportation Authority Act, and (iv) the Chicago Transit

1 Authority created by the Metropolitan Transit Authority Act.

2 "State agency" includes all officers, boards, commissions  
3 and agencies created by the Constitution, whether in the  
4 executive or legislative branch; all officers, departments,  
5 boards, commissions, agencies, institutions, authorities,  
6 public institutions of higher learning as defined in Section 2  
7 of the Higher Education Cooperation Act (except community  
8 colleges), and bodies politic and corporate of the State; and  
9 administrative units or corporate outgrowths of the State  
10 government which are created by or pursuant to statute, other  
11 than units of local government (including community college  
12 districts) and their officers, school districts, and boards of  
13 election commissioners; and all administrative units and  
14 corporate outgrowths of the above and as may be created by  
15 executive order of the Governor. "State agency" includes the  
16 General Assembly, the Senate, the House of Representatives,  
17 the President and Minority Leader of the Senate, the Speaker  
18 and Minority Leader of the House of Representatives, the  
19 Senate Operations Commission, and the legislative support  
20 services agencies. "State agency" includes the Office of the  
21 Auditor General. "State agency" does not include the judicial  
22 branch.

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

24 "Ultimate jurisdictional authority" means the following:

25 (1) For members, legislative partisan staff, and  
26 legislative secretaries, the appropriate legislative

1 leader: President of the Senate, Minority Leader of the  
2 Senate, Speaker of the House of Representatives, or  
3 Minority Leader of the House of Representatives.

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

7 (3) For State employees who are professional staff or  
8 employees of the House of Representatives and not covered  
9 under item (1), the Speaker of the House of  
10 Representatives.

11 (4) For State employees who are employees of the  
12 legislative support services agencies, the Joint Committee  
13 on Legislative Support Services.

14 (5) For State employees of the Auditor General, the  
15 Auditor General.

16 (6) For State employees of public institutions of  
17 higher learning as defined in Section 2 of the Higher  
18 Education Cooperation Act (except community colleges), the  
19 board of trustees of the appropriate public institution of  
20 higher learning.

21 (7) For State employees of an executive branch  
22 constitutional officer other than those described in  
23 paragraph (6), the appropriate executive branch  
24 constitutional officer.

25 (8) For State employees not under the jurisdiction of  
26 paragraph (1), (2), (3), (4), (5), (6), or (7), the

1 Governor.

2 (9) For employees of Regional Transit Boards, the  
3 appropriate Regional Transit Board.

4 (10) For board members of Regional Transit Boards, the  
5 Governor.

6 (Source: P.A. 96-6, eff. 4-3-09; 96-555, eff. 8-18-09;  
7 96-1528, eff. 7-1-11; 96-1533, eff. 3-4-11; 97-813, eff.  
8 7-13-12.)

9 (5 ILCS 430/5-15)

10 Sec. 5-15. Prohibited political activities.

11 (a) State employees shall not intentionally perform any  
12 prohibited political activity during any compensated time  
13 (other than vacation, personal, or compensatory time off).  
14 State employees shall not intentionally misappropriate any  
15 State property or resources by engaging in any prohibited  
16 political activity for the benefit of any campaign for  
17 elective office or any political organization.

18 (b) At no time shall any executive or legislative branch  
19 constitutional officer or any official, director, supervisor,  
20 or State employee intentionally misappropriate the services of  
21 any State employee by requiring that State employee to perform  
22 any prohibited political activity (i) as part of that  
23 employee's State duties, (ii) as a condition of State  
24 employment, or (iii) during any time off that is compensated  
25 by the State (such as vacation, personal, or compensatory time

1 off).

2 (c) A State employee shall not be required at any time to  
3 participate in any prohibited political activity in  
4 consideration for that State employee being awarded any  
5 additional compensation or employee benefit, in the form of a  
6 salary adjustment, bonus, compensatory time off, continued  
7 employment, or otherwise.

8 (d) A State employee shall not be awarded any additional  
9 compensation or employee benefit, in the form of a salary  
10 adjustment, bonus, compensatory time off, continued  
11 employment, or otherwise, in consideration for the State  
12 employee's participation in any prohibited political activity.

13 (e) Nothing in this Section prohibits activities that are  
14 otherwise appropriate for a State employee to engage in as a  
15 part of his or her official State employment duties or  
16 activities that are undertaken by a State employee on a  
17 voluntary basis as permitted by law.

18 (f) No person either (i) in a position that is subject to  
19 recognized merit principles of public employment or (ii) in a  
20 position the salary for which is paid in whole or in part by  
21 federal funds and that is subject to the Federal Standards for  
22 a Merit System of Personnel Administration applicable to  
23 grant-in-aid programs, shall be denied or deprived of State  
24 employment or tenure solely because he or she is a member or an  
25 officer of a political committee, of a political party, or of a  
26 political organization or club.

1       (g) No member shall refuse casework service to an  
2       individual who resides in the member's district based solely  
3       upon the individual's political affiliation.

4       (Source: P.A. 93-615, eff. 11-19-03.)

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.