



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

#### SB0227

Introduced 2/7/2007, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/70-5  
10 ILCS 5/9-25.1

from Ch. 46, par. 9-25.1; formerly  
Ch. 46, pars. 102, 103 and 104

Amends the State Officials and Employees Ethics Act and the Election Code. Provides that communication to the public by the corporate authorities of a unit of local government or school district explaining a decision to place a public question on the ballot or explaining support of or opposition to a public question does not constitute a prohibited political activity or election interference. Requires that the corporate authorities in the communication specify how the referendum will directly affect residents' health, safety, or welfare or the unit's or district's government or affairs. Effective immediately.

LRB095 08233 JAM 28404 b

1 AN ACT concerning referenda.

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 Section 70-5 as follows:

6 (5 ILCS 430/70-5)

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

8 (a) Within 6 months after the effective date of this Act,  
9 each governmental entity shall adopt an ordinance or resolution  
10 that regulates, in a manner no less restrictive than Section  
11 5-15 and Article 10 of this Act, (i) the political activities  
12 of officers and employees of the governmental entity and (ii)  
13 the soliciting and accepting of gifts by and the offering and  
14 making of gifts to officers and employees of the governmental  
15 entity.

16 Nothing in a governmental entity's regulation of political  
17 activities shall prohibit the governmental entity's corporate  
18 authorities from communicating to the public (1) the reasoning  
19 for the corporate authorities' decision to place a referendum  
20 question on an upcoming election ballot, even if that  
21 communication supports the referendum question or otherwise  
22 may constitute a prohibited political activity, or (2) the  
23 reasons why the corporate authorities support or oppose a

1 referendum question on an upcoming election ballot (regardless  
2 of how that question was placed on the ballot), even if that  
3 communication supports or opposes the referendum question or  
4 may otherwise constitute a prohibited political activity. In  
5 any such communication, however, the corporate authorities  
6 must specify how they believe the referendum question directly  
7 affects the health, safety, or welfare of the residents of the  
8 governmental entity or otherwise pertains to the governmental  
9 entity's government and affairs.

10 The exemptions from prohibited political activities  
11 provided by this subsection shall apply only to communications  
12 with respect to referendum questions and not to communications  
13 with respect to candidates for any public office.

14 (b) Within 3 months after the effective date of this  
15 amendatory Act of the 93rd General Assembly, the Attorney  
16 General shall develop model ordinances and resolutions for the  
17 purpose of this Article. The Attorney General shall advise  
18 governmental entities on their contents and adoption.

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

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

24 Section 10. The Election Code is amended by changing  
25 Section 9-25.1 as follows:

1 (10 ILCS 5/9-25.1) (from Ch. 46, par. 9-25.1; formerly Ch.  
2 46, pars. 102, 103 and 104)  
3 Sec. 9-25.1. Election interference.

4 (a) As used in this Section, "public funds" means any funds  
5 appropriated by the Illinois General Assembly or by any  
6 political subdivision of the State of Illinois.

7 (b) No public funds shall be used to urge any elector to  
8 vote for or against any candidate or proposition, or be  
9 appropriated for political or campaign purposes to any  
10 candidate or political organization. This Section shall not  
11 prohibit the use of public funds for dissemination of factual  
12 information relative to any proposition appearing on an  
13 election ballot, or for dissemination of information and  
14 arguments published and distributed under law in connection  
15 with a proposition to amend the Constitution of the State of  
16 Illinois.

17 (b-5) Nothing in this Section prohibits the corporate  
18 authorities of a unit of local government or a school district  
19 from communicating to the public (1) the reasoning for the  
20 corporate authorities' decision to place a proposition on an  
21 upcoming election ballot, even if that communication supports  
22 the proposition or otherwise may violate this Section, or (2)  
23 the reasons why the corporate authorities support or oppose a  
24 proposition on an upcoming election ballot (regardless of how  
25 that proposition was placed on the ballot), even if that

1 communication supports or opposes the referendum question or  
2 may otherwise violate this Section. In any such communication,  
3 however, the corporate authorities must specify how they  
4 believe the proposition directly affects the health, safety, or  
5 welfare of the residents of the unit or district or otherwise  
6 pertains to the unit's or district's government and affairs.

7 This subsection applies only to communications with  
8 respect to propositions and not to communications with respect  
9 to candidates for any public office.

10 (c) The first time any person violates any provision of  
11 this Section, that person shall be guilty of a Class B  
12 misdemeanor. Upon the second or any subsequent violation of any  
13 provision of this Section, the person violating any provision  
14 of this Section shall be guilty of a Class A misdemeanor.

15 (Source: P.A. 87-1052.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.