

# HB4734



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4734**

Introduced 1/4/2010, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/1-5

Amends the State Officials and Employees Ethics Act. Defines as a prohibited political activity the wearing or displaying of items expressing support for or against a candidate or referendum question while registering voters as a deputy registrar or assisting persons in completing mail-in voter registration applications. Defines a "candidate" to include candidates for federal and local offices as well as State offices.

LRB096 15854 JAM 31096 b

A BILL FOR

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 Section 1-5 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 appointed or elected commissioner,

1 trustee, director, or board member of a board of a State  
2 agency, including any retirement system or investment board  
3 subject to the Illinois Pension Code or (iii) any other  
4 appointee.

5 "Employment benefits" include but are not limited to the  
6 following: modified compensation or benefit terms; compensated  
7 time off; or change of title, job duties, or location of office  
8 or employment. An employment benefit may also include favorable  
9 treatment in determining whether to bring any disciplinary or  
10 similar action or favorable treatment during the course of any  
11 disciplinary or similar action or other performance review.

12 "Executive branch constitutional officer" means the  
13 Governor, Lieutenant Governor, Attorney General, Secretary of  
14 State, Comptroller, and Treasurer.

15 "Gift" means any gratuity, discount, entertainment,  
16 hospitality, loan, forbearance, or other tangible or  
17 intangible item having monetary value including, but not  
18 limited to, cash, food and drink, and honoraria for speaking  
19 engagements related to or attributable to government  
20 employment or the official position of an employee, member, or  
21 officer.

22 "Governmental entity" means a unit of local government  
23 (including a community college district) or a school district  
24 but not a State agency.

25 "Leave of absence" means any period during which a State  
26 employee does not receive (i) compensation for State

1 employment, (ii) service credit towards State pension  
2 benefits, and (iii) health insurance benefits paid for by the  
3 State.

4 "Legislative branch constitutional officer" means a member  
5 of the General Assembly and the Auditor General.

6 "Legislative leader" means the President and Minority  
7 Leader of the Senate and the Speaker and Minority Leader of the  
8 House of Representatives.

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

10 "Officer" means an executive branch constitutional officer  
11 or a legislative branch constitutional officer.

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

21 "Political organization" means a party, committee,  
22 association, fund, or other organization (whether or not  
23 incorporated) that is required to file a statement of  
24 organization with the State Board of Elections or a county  
25 clerk under Section 9-3 of the Election Code, but only with  
26 regard to those activities that require filing with the State

1 Board of Elections or a county clerk.

2 "Prohibited political activity" means:

3 (1) Preparing for, organizing, or participating in any  
4 political meeting, political rally, political  
5 demonstration, or other political event.

6 (2) Soliciting contributions, including but not  
7 limited to the purchase of, selling, distributing, or  
8 receiving payment for tickets for any political  
9 fundraiser, political meeting, or other political event.

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

13 (4) Planning, conducting, or participating in a public  
14 opinion poll in connection with a campaign for elective  
15 office or on behalf of a political organization for  
16 political purposes or for or against any referendum  
17 question.

18 (5) Surveying or gathering information from potential  
19 or actual voters in an election to determine probable vote  
20 outcome in connection with a campaign for elective office  
21 or on behalf of a political organization for political  
22 purposes or for or against any referendum question.

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

26 (7) Soliciting votes on behalf of a candidate for

1 elective office or a political organization or for or  
2 against any referendum question or helping in an effort to  
3 get voters to the polls.

4 (8) Initiating for circulation, preparing,  
5 circulating, reviewing, or filing any petition on behalf of  
6 a candidate for elective office or for or against any  
7 referendum question.

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

11 (10) Preparing or reviewing responses to candidate  
12 questionnaires in connection with a campaign for elective  
13 office or on behalf of a political organization for  
14 political purposes.

15 (11) Distributing, preparing for distribution, or  
16 mailing campaign literature, campaign signs, or other  
17 campaign material on behalf of any candidate for elective  
18 office or for or against any referendum question.

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

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

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

25 (15) Participating in any recount or challenge to the  
26 outcome of any election, except to the extent that under

1 subsection (d) of Section 6 of Article IV of the Illinois  
2 Constitution each house of the General Assembly shall judge  
3 the elections, returns, and qualifications of its members.

4 (16) Notwithstanding any collective bargaining  
5 agreement, while registering voters as a deputy registrar  
6 or assisting persons in completing mail-in voter  
7 registration applications, wearing or having within the  
8 view of a prospective voter any button, lapel pin, bumper  
9 sticker, or other item that expresses support for or  
10 opposition to (i) a candidate, as defined in this Section  
11 but also including candidates for federal and local  
12 offices, or (ii) a referendum question.

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

14 (1) is seeking official action (i) by the member or  
15 officer or (ii) in the case of an employee, by the employee  
16 or by the member, officer, State agency, or other employee  
17 directing the employee;

18 (2) does business or seeks to do business (i) with the  
19 member or officer or (ii) in the case of an employee, with  
20 the employee or with the member, officer, State agency, or  
21 other employee directing the employee;

22 (3) conducts activities regulated (i) by the member or  
23 officer or (ii) in the case of an employee, by the employee  
24 or by the member, officer, State agency, or other employee  
25 directing the employee;

26 (4) has interests that may be substantially affected by



1 the performance or non-performance of the official duties  
2 of the member, officer, or employee;

3 (5) is registered or required to be registered with the  
4 Secretary of State under the Lobbyist Registration Act,  
5 except that an entity not otherwise a prohibited source  
6 does not become a prohibited source merely because a  
7 registered lobbyist is one of its members or serves on its  
8 board of directors; or

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

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

1 Minority Leader of the House of Representatives, the Senate  
2 Operations Commission, and the legislative support services  
3 agencies. "State agency" includes the Office of the Auditor  
4 General. "State agency" does not include the judicial branch.

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

6 "Ultimate jurisdictional authority" means the following:

7 (1) For members, legislative partisan staff, and  
8 legislative secretaries, the appropriate legislative  
9 leader: President of the Senate, Minority Leader of the  
10 Senate, Speaker of the House of Representatives, or  
11 Minority Leader of the House of Representatives.

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

15 (3) For State employees who are professional staff or  
16 employees of the House of Representatives and not covered  
17 under item (1), the Speaker of the House of  
18 Representatives.

19 (4) For State employees who are employees of the  
20 legislative support services agencies, the Joint Committee  
21 on Legislative Support Services.

22 (5) For State employees of the Auditor General, the  
23 Auditor General.

24 (6) For State employees of public institutions of  
25 higher learning as defined in Section 2 of the Higher  
26 Education Cooperation Act (except community colleges), the

1 board of trustees of the appropriate public institution of  
2 higher learning.

3 (7) For State employees of an executive branch  
4 constitutional officer other than those described in  
5 paragraph (6), the appropriate executive branch  
6 constitutional officer.

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

10 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,  
11 eff. 8-18-09.)