

SB1591



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1591

Introduced 2/19/2009, by Sen. Pamela J. Althoff

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.

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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 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 (16) Notwithstanding any collective bargaining
20 agreement, while registering voters as a deputy registrar
21 or assisting persons in completing mail-in voter
22 registration applications, wearing or having within the
23 view of a prospective voter any button, lapel pin, bumper
24 sticker, or other item that expresses support for or
25 opposition to (i) a candidate, as defined in this Section
26 but also including candidates for federal and local

1 offices, or (ii) a referendum question.

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

3 (1) is seeking official action (i) by the member or
4 officer or (ii) in the case of an employee, by the employee
5 or by the member, officer, State agency, or other employee
6 directing the employee;

7 (2) does business or seeks to do business (i) with the
8 member or officer or (ii) in the case of an employee, with
9 the employee or with the member, officer, State agency, or
10 other employee directing the employee;

11 (3) conducts activities regulated (i) by the member or
12 officer or (ii) in the case of an employee, by the employee
13 or by the member, officer, State agency, or other employee
14 directing the employee;

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

18 (5) is registered or required to be registered with the
19 Secretary of State under the Lobbyist Registration Act,
20 except that an entity not otherwise a prohibited source
21 does not become a prohibited source merely because a
22 registered lobbyist is one of its members or serves on its
23 board of directors.

24 "State agency" includes all officers, boards, commissions
25 and agencies created by the Constitution, whether in the
26 executive or legislative branch; all officers, departments,

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

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

19 "Ultimate jurisdictional authority" means the following:

20 (1) For members, legislative partisan staff, and
21 legislative secretaries, the appropriate legislative
22 leader: President of the Senate, Minority Leader of the
23 Senate, Speaker of the House of Representatives, or
24 Minority Leader of the House of Representatives.

25 (2) For State employees who are professional staff or
26 employees of the Senate and not covered under item (1), the

1 Senate Operations Commission.

2 (3) For State employees who are professional staff or
3 employees of the House of Representatives and not covered
4 under item (1), the Speaker of the House of
5 Representatives.

6 (4) For State employees who are employees of the
7 legislative support services agencies, the Joint Committee
8 on Legislative Support Services.

9 (5) For State employees of the Auditor General, the
10 Auditor General.

11 (6) For State employees of public institutions of
12 higher learning as defined in Section 2 of the Higher
13 Education Cooperation Act (except community colleges), the
14 board of trustees of the appropriate public institution of
15 higher learning.

16 (7) For State employees of an executive branch
17 constitutional officer other than those described in
18 paragraph (6), the appropriate executive branch
19 constitutional officer.

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

23 (Source: P.A. 95-880, eff. 8-19-08.)