



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5096

Introduced 2/7/2012, 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.

LRB097 18134 JDS 63358 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 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 "Board members of Regional Transit Boards" means any person  
12 appointed to serve on the governing board of a Regional Transit  
13 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 political  
18 organization, or the selection, nomination, or election of  
19 Presidential or Vice-Presidential electors, but does not  
20 include activities (i) relating to the support or opposition of  
21 any executive, legislative, or administrative action (as those  
22 terms are defined in Section 2 of the Lobbyist Registration  
23 Act), (ii) relating to collective bargaining, or (iii) that are

1 otherwise in furtherance of the person's official State duties.

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

8 "Collective bargaining" has the same meaning as that term  
9 is defined in Section 3 of the Illinois Public Labor Relations  
10 Act.

11 "Commission" means an ethics commission created by this  
12 Act.

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

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

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

25 "Employee" means (i) any person employed full-time,  
26 part-time, or pursuant to a contract and whose employment

1 duties are subject to the direction and control of an employer  
2 with regard to the material details of how the work is to be  
3 performed or (ii) any appointed or elected commissioner,  
4 trustee, director, or board member of a board of a State  
5 agency, including any retirement system or investment board  
6 subject to the Illinois Pension Code or (iii) any other  
7 appointee.

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

15 "Executive branch constitutional officer" means the  
16 Governor, Lieutenant Governor, Attorney General, Secretary of  
17 State, Comptroller, and Treasurer.

18 "Gift" means any gratuity, discount, entertainment,  
19 hospitality, loan, forbearance, or other tangible or  
20 intangible item having monetary value including, but not  
21 limited to, cash, food and drink, and honoraria for speaking  
22 engagements related to or attributable to government  
23 employment or the official position of an employee, member, or  
24 officer. The value of a gift may be further defined by rules  
25 adopted by the appropriate ethics commission or by the Auditor  
26 General for the Auditor General and for employees of the office

1 of the Auditor General.

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

5 "Leave of absence" means any period during which a State  
6 employee does not receive (i) compensation for State  
7 employment, (ii) service credit towards State pension  
8 benefits, and (iii) health insurance benefits paid for by the  
9 State.

10 "Legislative branch constitutional officer" means a member  
11 of the General Assembly and the Auditor General.

12 "Legislative leader" means the President and Minority  
13 Leader of the Senate and the Speaker and Minority Leader of the  
14 House of Representatives.

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

16 "Officer" means an executive branch constitutional officer  
17 or a legislative branch constitutional officer.

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

1 "Political organization" means a party, committee,  
2 association, fund, or other organization (whether or not  
3 incorporated) that is required to file a statement of  
4 organization with the State Board of Elections or a county  
5 clerk under Section 9-3 of the Election Code, but only with  
6 regard to those activities that require filing with the State  
7 Board of Elections or a county clerk.

8 "Prohibited political activity" means:

9 (1) Preparing for, organizing, or participating in any  
10 political meeting, political rally, political  
11 demonstration, or other political event.

12 (2) Soliciting contributions, including but not  
13 limited to the purchase of, selling, distributing, or  
14 receiving payment for tickets for any political  
15 fundraiser, political meeting, or other political event.

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

19 (4) Planning, conducting, or participating in a public  
20 opinion poll in connection with a campaign for elective  
21 office or on behalf of a political organization for  
22 political purposes or for or against any referendum  
23 question.

24 (5) Surveying or gathering information from potential  
25 or actual voters in an election to determine probable vote  
26 outcome in connection with a campaign for elective office

1 or on behalf of a political organization for political  
2 purposes or for or against any referendum question.

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

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

10 (8) Initiating for circulation, preparing,  
11 circulating, reviewing, or filing any petition on behalf of  
12 a candidate for elective office or for or against any  
13 referendum question.

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

17 (10) Preparing or reviewing responses to candidate  
18 questionnaires in connection with a campaign for elective  
19 office or on behalf of a political organization for  
20 political purposes.

21 (11) Distributing, preparing for distribution, or  
22 mailing campaign literature, campaign signs, or other  
23 campaign material on behalf of any candidate for elective  
24 office or for or against any referendum question.

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

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

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

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

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

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;

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; or

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

17 "Regional Transit Boards" means (i) the Regional  
18 Transportation Authority created by the Regional  
19 Transportation Authority Act, (ii) the Suburban Bus Division  
20 created by the Regional Transportation Authority Act, (iii) the  
21 Commuter Rail Division created by the Regional Transportation  
22 Authority Act, and (iv) the Chicago Transit Authority created  
23 by the Metropolitan Transit Authority Act.

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

25 (10) For board members of Regional Transit Boards, the  
26 Governor.

1 (Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555,  
2 eff. 8-18-09; 96-1528, eff. 7-1-11; 96-1533, eff. 3-4-11;  
3 revised 10-20-11.)