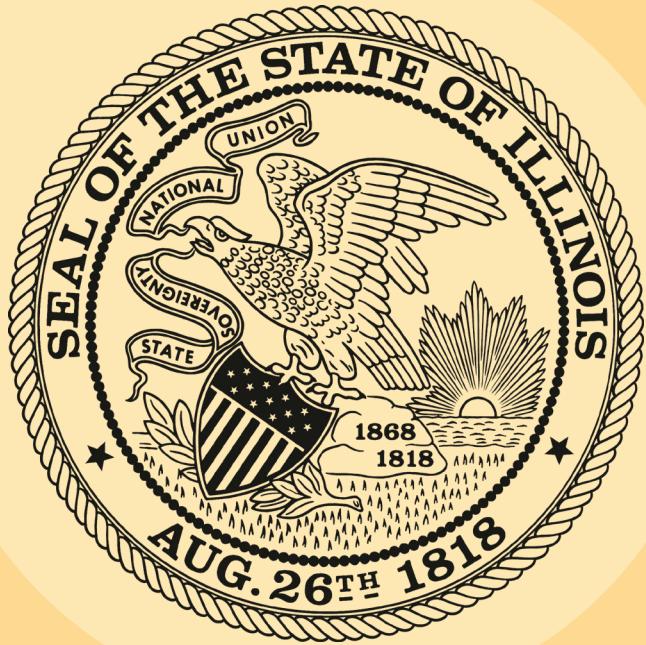




Ethics Awareness Training

For Legislators and Employees of the House and Senate,
District Offices, and Legislative Support Services Agencies

January 2024





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Introduction

This presentation is designed to provide ethics awareness training for General Assembly members and legislative branch employees as required by the State Officials and Employees Ethics Act (5 ILCS 430.)

You are required to personally complete this ethics awareness training program annually and to certify that you have done so. New members of the General Assembly and new legislative branch employees must complete the required ethics awareness training within 30 days after commencement of their office or employment.

You may also be required to participate in additional ethics training. If so, you will be notified by your Ethics Officer, supervisor, or Chief of Staff.





You are expected to be able to recognize situations that may be subject to ethics laws. If you are unsure whether your actions may violate one of those laws, refer to the information in this Ethics Awareness Training, which is available in PDF format as a reference on this website. If still in doubt, consult your Ethics Officer for guidance.

The State Officials and Employees Ethics Act provides that members of the General Assembly and legislative branch employees may in good faith rely upon guidance received from their Ethics Officer regarding the interpretation and implementation of the provisions of that Act. (5 ILCS 430/25-23) Be aware that Ethics Officers are the only people whose advice provides this statutory protection.





Each topic of this training begins with a statement in bold summarizing the penalty typically associated with violating that specific ethical duty or prohibition. A description of the duty or prohibition is provided, followed by one or more hypothetical situations to illustrate practical application. The boxed illustrations pose a question. In the video form of this training, the narrator will pause for five seconds after asking the question to give you time to think before the answer is revealed. Learning will be enhanced by comparing your thoughts to the answer given.

Statutory citations and supplemental information on topics are listed in the Appendices available as separate PDF documents posted next to the link you clicked to access this training. You can open the Appendices using Adobe Acrobat.

You can pause this presentation by right-clicking on the video screen and selecting “Show all controls.” A video progress bar will be displayed at the bottom of the video that will allow you to press “Pause” if you wish to refer to an Appendix document or need to momentarily step away.





I. Governing Ethically

A. Bribery

Under Illinois law, bribery is a Class 2 felony generally punishable by 3 to 7 years of imprisonment and a fine of up to \$25,000. An extended term of 7 to 14 years of imprisonment may be imposed if the offender held public office at the time of the offense and the offense related to the conduct of that office.

You commit the offense of bribery under Illinois law if you receive, retain, or agree to accept any property or personal advantage that you are not authorized by law to accept, either:

- *knowing* that the property or personal advantage was promised, given, or offered with intent to cause you to influence the performance of any act related to the employment or function of any public officer or public employee (you or someone else); or
- pursuant to an *understanding* that you will improperly influence or attempt to influence the performance of any act related to the employment or function of any public officer or public employee (which also applies if you solicit the bribe.)

Examples of things of value are money, property, jobs for you or supporters, free or reduced-cost services, and even campaign contributions or workers if in exchange (*quid pro quo*) for the improper purpose or intent described in the statute. (Note: Federal law may be broader.)

Note that legislators and legislative branch employees may not only be the recipient of a bribe or offer of a bribe, but also an offeror of a bribe to a fellow legislator or legislative branch employee.





Example:

Imagine that a legislator offers his season White Sox tickets for free to a committee chair in exchange for the committee chair holding a bill in committee. The committee chair accepts the tickets with that understanding and holds the bill in committee.

The legislator has committed bribery by giving the committee chair something of value that the chair is not authorized by law to receive – the White Sox tickets – with the intent to influence the committee chair's public duties, namely, to hold the bill in committee. The committee chair has also committed bribery by accepting the tickets (1) knowing they were given in exchange for holding the bill in committee and (2) with the understanding the chair would do so. The law has been violated regardless of whether the committee chair actually follows through and holds the bill in committee.

If you have a question about whether an action or offer is bribery, ask your Ethics Officer or your attorney. (Note: Unlike with issues involving the State Officials and Employees Ethics Act, in a criminal context good faith reliance on the opinion of your Ethics Officer is not in itself a defense to a criminal charge. Do not be surprised if your Ethics Officer advises you to consult with an attorney regarding this or other potential criminal issues.)





B. Failure to Report an Offered Bribe

Failure to report an offered bribe is a Class A misdemeanor generally punishable by up to 364 days of imprisonment and a fine of up to \$2,500.

If a bribe is offered to you as a legislator or State employee, you must promptly report it. Legislators must report the offer to the local State's Attorney where the offer was made. Employees must report it to the Illinois State Police.

Consider the following circumstance:

The director of an executive branch agency offers to give an Appropriations Committee staffer free use of his Florida condominium in exchange for the staffer withholding from committee members an audit critical of the director's agency. The only action the staffer takes is to reject the director's offer. Has a law been broken?

Yes. In addition to the violation by the director, the staffer has violated the law by failing to promptly report the offered bribe to the Illinois State Police.





C. Official Misconduct

Official misconduct is a Class 3 felony generally punishable by imprisonment for between 2 to 5 years and a fine of up to \$25,000. A public officer or employee who is convicted of official misconduct forfeits their office or employment. An extended term of 5 to 10 years of imprisonment is authorized if the offender held public office at the time of the offense and the offense related to the conduct of that office.

As a member of the General Assembly or State employee, you engage in official misconduct if you do any one or more of the following:

- (1) intentionally or recklessly fail to perform any mandatory duty as required by law;
- (2) knowingly perform an act that you know you are forbidden by law to perform;
- (3) perform an act that you know exceeds your lawful authority with the intent to obtain a personal advantage for yourself or another; or
- (4) knowingly solicit or accept a fee or reward for the performance of any act knowing that you are not authorized by law to do so.





Let's stop and think:

A legislator gives a State employee a ride from Chicago to Springfield and back. The legislator pays for gas both ways. The employee submits a signed travel voucher for reimbursement for the round-trip mileage. Has the employee committed official misconduct?

Yes. The employee has committed official misconduct (and theft by fraud with its own potentially additional penalties) by knowingly seeking reimbursement for expenses the employee did not incur. If the employee submitted the fraudulent travel voucher using the U.S. Postal Service or email, the employee may also be guilty of federal mail or wire fraud.

If you have questions about travel expense reimbursement, refer to the rules and policies established by the Legislative Travel Control Board, available in Appendix B, or ask your department's Fiscal Officer.





D. Legislative Misconduct

Legislative misconduct is a Class 3 felony generally punishable by imprisonment for a period of between 2 to 5 years and a fine of up to \$25,000. An extended term of 5 to 10 years of imprisonment is authorized if the offender held public office at the time of the offense and the offense related to the conduct of that office.

A member of the General Assembly commits legislative misconduct if the member knowingly accepts or receives, directly or indirectly, any money or other valuable thing from any person, corporation, or company for any vote or influence the member may give or withhold on any bill, resolution, or appropriation, or for any other official act.

Note: As with bribery, “valuable thing” is generally construed to mean anything of value, which may include property, jobs to reward or retain political support, free or reduced-cost services, even campaign contributions or workers if in exchange (*quid pro quo*) for the improper purpose or intent described in the statute. (Note: Federal law may be broader.)

If you are unsure whether you may accept or receive something of value for taking or not taking an official action, you should consult an attorney or your Ethics Officer.





E. Limitations on the Receipt of Gifts

An intentional violation of the gift-related limits set forth in Article 10 of the State Officials and Employees Ethics Act is punishable by a fine of up to \$5,000.

An intentional violation may also result in a State employee's discipline or discharge. However, a violation of these limits may in some circumstances be cured by the prompt return or charitable donation of the prohibited gift or its value.

Generally, neither you nor your spouse nor an immediate live-in family member may intentionally solicit or accept (1) gifts that would violate any federal or State statute, rule, or regulation or (2) gifts from certain persons or entities identified in the Act as a prohibited source.

We will explain exceptions to this general rule.





“Gift” Defined

The State Officials and Employees Ethics Act defines a “gift” as any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink.

As used in the Act, the definition of “gift” also includes honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer.

A “gift” can be a tangible item, such as a gift card, coffee cup, a shirt, golf clubs, or a steak, or it can be intangible, such as a discount on something you purchase or an agreement not to collect a debt.

In addition, Legislative Ethics Commission Rule 30-5 further defines the meaning of the term “gift.” Therefore, it is wise to check with your Ethics Officer **before accepting any item that may constitute a gift.**





“Prohibited Source” Defined

The State Officials and Employees Ethics Act defines a “prohibited source” as a person or entity who meets one or more of the following criteria:

- (1) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act;
- (2) is seeking official action by the legislator, legislative employee, or the State agency that employs the legislative employee;
- (3) does business or seeks to do business with the legislator, legislative employee, or the State agency that employs the legislative employee;
- (4) conducts activities that are regulated by the legislator, legislative employee, or the State agency that employs the legislative employee;
- (5) has interests that may be substantially affected by the performance or nonperformance of the official duties of the legislator or legislative employee; or
- (6) is an agent of, a spouse of, or an immediate family member who is living with a prohibited source.





Exceptions to the Prohibited Source Rule

Here are eight common exceptions to the prohibition on accepting gifts from prohibited sources. The full list of exceptions can be found in Section 10-15 of the State Officials and Employees Ethics Act:

- 1) You may accept opportunities, benefits, and services that are available on the same conditions to the general public.

Example:

Suppose a legislative branch employee is shopping at a pharmacy that is a prohibited source. As part of a buy-one-get-one-free promotion, the employee purchases a bottle of shampoo and receives a second bottle of shampoo for free as would a member of the general public. The employee has not violated the law.

- 2) You may make a purchase from a prohibited source at market value.

Ethics Advice: Members and employees of the legislative branch have an obligation to avoid even the appearance of ethical impropriety.





- 3) You may accept campaign contributions that are authorized under the Election Code, but know there are limitations on accepting campaign contributions, which we will discuss later in Chapter II, Fundraising Ethically.
- 4) You may accept gifts to cover expenses incurred for certain educational mission trips and trips to discuss State business. Gifts for these purposes are regulated by rules adopted by the Legislative Ethics Commission (LEC) and by statutory exceptions regarding the receipt of gifts.

LEC rules require that all of the following five conditions be met:

- 1) the travel must be in furtherance of the recipient legislator's or employee's State duties or employment or in furtherance of other legitimate State interests;
- 2) the travel must bear a connection to the interests of the prohibited source;
- 3) the destination must bear a reasonable relationship to the educational purposes of the travel or to the State business to be discussed;
- 4) the length of time at the destination for the educational activity or the meeting to discuss state business that is paid for by the prohibited source must be reasonably related to the purpose of the educational activity or State business; and
- 5) the expenses provided by a prohibited source must be reasonable under the circumstances.





LEC rules allow you to accept gifts to defray the following types of expenses:

- Travel to, at, and from the destination;
- Lodging en route to, at, and en route from the destination; and
- Tours, demonstrations, presentations, meetings, and materials.

LEC rules do not allow you to accept gifts to defray these expenses:

- Food
- Refreshments
- Entertainment
- Recreation
- Prizes
- Awards
- Souvenirs

Under some circumstances a statutory exception may allow you to accept gifts to defray these expenses. Note the exceptions discussed at (5) on slide 21 and (6) on slide 22.

Direct questions about specific circumstances to your Ethics Officer.





Let's think about the following scenario:

A lobbyist invites a legislator to serve as a panelist at an industry's annual summer conference. The conference runs Wednesday through Friday. The lobbyist offers to pay for the legislator's room from Wednesday through Sunday if the legislator decides to stick around for a couple of extra days after the conference. Would payment by the lobbyist for all five nights of lodging be allowed under the educational missions and State travel exceptions?

No. The lobbyist's paying for the legislator's Saturday and Sunday lodging is not "reasonably related to the purpose of the educational mission or State business" because the conference ended on Friday. However, the lobbyist's paying for the legislator's lodging during the actual days of the conference is allowed under the educational missions and State travel exceptions to the general rule prohibiting acceptance of gifts from prohibited sources.

In some rare cases, additional lodging could be covered due to extraordinary circumstances, such as conferences ending later in the day and no reasonable same-day travel options. In these situations, it is best to consult with your Ethics Officer.





- 5) You may accept food and refreshments that do not exceed \$75 in value on a single calendar day from a prohibited source. The food and refreshments must be (a) consumed on the premises from which they were purchased or prepared or (b) catered.

Example:

A lobbyist buys a catered lunch for a legislative support services agency's 32 employees to thank them for their hard work. The lunch costs \$432.

This gift is acceptable because the lunch costs \$13.50 per employee, which is less than the \$75 per person per day limit.





- (6) You may accept an item or items having a *cumulative* total value of less than \$100 from any prohibited source during any calendar year.

Let's think about the following scenario:

A refinery in January gives a legislator a \$35 coffee mug. The refinery in May gives the legislator an \$80 lunch box. Has the legislator exceeded the annual limit on gifts from one prohibited source?

Yes, because the two gifts both are classified as an item and have a cumulative value of \$115, which exceeds the annual \$100 limit.

- (7) You may accept a gift from a relative, even if the relative is a prohibited source, as long as the gift was purchased with the relative's personal funds. The definition of the term "relative" can be found in the list of citations for slide 14 in Appendix A.





- (8) You may accept a gift from a friend, unless you believe that the gift was given to you because of your official position or employment and not because of the personal friendship.

When deciding whether this exception applies, consider all of the following factors: (1) the history of your friendship (for example, did the friendship predate your assuming your official position and, if so, whether similar gifts were exchanged before you assumed your position); (2) whether the person who gave the gift personally paid for it or will claim it as a tax deduction or seek a business reimbursement; and (3) whether the person gave the same or similar gifts to other legislators, officers, or State employees.

If you have actual knowledge that the person gave you the gift because of your official position and if it is not otherwise allowed, it would be illegal to accept the gift.

Note: Each of the eight exceptions discussed in this section are mutually exclusive and independent. A gift that qualifies under one exception is not counted against any other exceptions.





Let's think about how that works:

A lobbyist takes a legislator to dinner and pays the legislator's \$70 food and drink tab. At dinner, the lobbyist gives the legislator a fountain pen worth \$95 and a \$150 check for travel expenses the legislator incurred attending a meeting to discuss State business at the lobbyist's request. Has the legislator violated the gift limitations in the State Officials and Employees Ethics Act?

No. The \$70 dinner, the \$95 fountain pen, and the \$150 travel reimbursement each fall into one of the independent and mutually exclusive categories of exceptions. The legislator may accept the \$70 dinner because a legislator may accept up to \$75 in food and refreshments from a prohibited source on a single calendar day. The \$95 fountain pen may be accepted because a legislator may accept an item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. Finally, because the \$150 in travel expenses was incurred as part of an acceptable educational mission or to discuss State business, the check for \$150 may also be accepted.





Keep in mind that a legislator, officer, or employee does not violate the State Officials and Employees Ethics Act if the legislator, officer, or employee promptly takes reasonable action to return a prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity. Your Ethics Officer can explain how to do this.

Finally, your agency may have additional rules concerning gifts. If you have any question about whether you may accept a particular gift, ask your Ethics Officer.





F. *Ex Parte* Communications

An *ex parte* communication is a communication with an executive branch agency or agency official, employee, or representative about a matter pending before that agency seeking or providing material information or making a material argument regarding regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by the agency.

Although it is not illegal to make an *ex parte* communication, be aware that most executive branch agencies are required under the State Officials and Employees Ethics Act to report *ex parte* communications to their Ethics Officers. Those officers are required to include such communications in the administrative record concerning the matter and report the communication to the Executive Ethics Commission.

Statements that are made publicly, such as statements in a committee hearing, or statements that concern mere procedural matters, such as how many copies of a document to file, are not considered *ex parte* communications.





The concern about an *ex parte* communication is that it may influence an agency's decision and that others with an interest in the matter may not be there to present their views. By making a record of *ex parte* communications, others are able to find out who communicated with the agency and the substance of that communication.

Example:

A legislator is asked by a constituent to put in a good word for her incarcerated son who has a hearing scheduled with the Prisoner Review Board. The legislator knows and thinks well of the family. He calls the chair of the PRB and asks the chair to keep that in mind.

The chair of the PRB must report the legislator's call to the PRB Ethics Officer. The Ethics Officer must make the communication part of the record and must file a summary report about the communication with the Executive Ethics Commission.





G. Revolving Door Prohibitions on Post-State Employment

Intentionally violating “revolving door” prohibitions of the State Officials and Employees Ethics Act is a Class A misdemeanor punishable by imprisonment for a period of up to 364 days and a fine of up to 3 times the total annual compensation obtained in violation of those prohibitions. In addition, a violation of the revolving door prohibitions may also result in a State employee’s discipline or discharge.

General rule (always applies): No former State officer, member of the General Assembly, or State employee – or spouse or immediate family member living with such person – shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if, during the year immediately preceding termination of State employment, the officer, member, or employee participated “personally and substantially” in the award or fiscal administration of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the prospective employer or entity, or its parent or subsidiary.

If you have questions regarding whether your involvement in the award of contracts or change orders or their fiscal administration was “personal or substantial” enough to make you subject to the revolving door statute, consult with your Ethics Officer.





In addition to the general rule applying to everyone, regardless of position, the Act contains special provisions relating to two classifications of people serving in particular positions:

- (1) those people serving in positions listed in the next slide to whom revolving door prohibitions apply automatically, regardless of whether they were personally and substantially involved in the award or administration of State contracts; and
- (2) those people serving in other types of positions which may (or may not) subject them to revolving door prohibitions and who must therefore seek and obtain Legislative Inspector General (LIG) review and approval before accepting any post-State employment for a period of one year.





For a period of one year after leaving State office or employment, the following listed people are prohibited from accepting or engaging in any employment or accepting compensation from any person or entity if that prospective client or employer or its parent or subsidiary was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or employee's State agency (defined as including the General Assembly and legislative offices, commissions, and agencies) regardless of whether the officer, member, or employee participated personally and substantially in the award or fiscal administration of such contracts:

- legislative branch officers and members of the General Assembly;
- persons whose appointment to office is subject to the advice and consent of the Senate;
- heads of departments, commissions, boards, divisions, bureaus, authorities, or other government administrative units;
- chiefs of staff, deputy chiefs of staff, associate chiefs of staff, and any other person serving in a position holding an equivalent level of managerial oversight regardless of title; and
- some others listed in the Act.





The Act also requires each legislative leader and the Joint Committee on Legislative Support Services to designate which positions under their jurisdiction that, by the nature of their duties, *may* include the authority to participate personally and substantially in the award or fiscal administration of State contracts, regardless of amount of money involved. (This list is sometimes referred to as the “c” list because of the subsection of the Act requiring it.)

All employees in such listed positions are to be notified of that status in writing upon hiring, promotion, or transfer into the position and any time the employee’s duties are changed in such a way as to qualify the employee to be on that list.

All employees receiving such notice must certify in writing that they were so notified and advised of the resulting requirement to notify the Legislative Inspector General when offered non-State employment during State employment or within one year after termination of State employment.





Any State employee or former State employee in a position on the “c” list who is offered non-State employment during State employment or within one year immediately after termination of State employment must, prior to accepting such non-State employment, notify the Legislative Inspector General of that offer.

Forms for providing the required notice to the LIG are available on the LIG’s ILGA.gov webpage.

The LIG has 10 calendar days to review the notice (typically informed by input from the relevant Ethics Officer and optionally by the prospective employer) and determine whether the employee is subject to revolving door restrictions on accepting the prospective employment. If a determination is not delivered to the employee within 10 calendar days, then the employee is deemed eligible to accept the non-State employment.

The Act includes provisions for appeal of the LIG’s determination to the Legislative Ethics Commission.

The LIG is required to provide notice of any LIG determination and any appeal to the employee’s ultimate jurisdictional authority and the Legislative Ethics Commission.





Again, let's stop and think:

Imagine that a legislative support services agency employee has been notified that he is subject to revolving door restrictions by virtue of serving in a position on his agency's "c" list. The employee personally and substantially participates in awarding a \$50,000 contract to a corporation. Six months later the employee retires. Nine months after his retirement the same corporation offers to pay the retired employee's spouse, who is an attorney, to represent it in a lawsuit unrelated to the \$50,000 contract. May the spouse accept the corporation's offer?

No, for two reasons: (1) even if the employee had not been on the agency's "c" list, the general revolving door rule automatically applies to any employee who, within a year before leaving State employment, participates personally and substantially in the award of one or more contracts to a prospective employer with a total value of \$25,000 or more; and (2) the one-year cooling off period required by the general rule applies equally to immediate family members living with the former employee.

Note: When the general rule applies, its application is automatic without any requirement for review by the Legislative Inspector General.

If you have questions about the application of any of the revolving door prohibitions to your situation or that of a family member, consult with your Ethics Officer.





Gaming and Racing

No constitutional officer, member of the General Assembly, or spouse or immediate family member living with such person shall, during the officer's or member's term in office or within a period of 2 years immediately after leaving office, hold an ownership interest, other than a passive interest in a publicly traded company, in any gaming license under the Illinois Gambling Act, the Video Gaming Act, the Illinois Horse Racing Act of 1975, or the Sports Wagering Act.

Cannabis Business

Pursuant to 410 ILCS 705/55-95, any member of the General Assembly who served during the period of June 26, 2017-June 26, 2021 may not apply for, hold, or own financial or voting interest, other than a passive interest in a publicly traded company, in any cannabis business license under Illinois law. This also applies to the member's spouse or immediate family member. A person who violates this Section shall be guilty under subsection (b) of Section 50-5 of the State Officials and Employees Ethics Act.





Lobbying

No former member of the General Assembly shall engage in activities at the State level that require registration under the Lobbyist Registration Act in a General Assembly of which he or she was a member until 6 months after leaving office.

Let's think about this circumstance:

A legislator leaves office at the end of her term in January. She is hired the next month by a trade association as an advisor to the association's registered lobbyists. Has she violated the prohibition on lobbying by a former member?

No, for two reasons: (1) consulting as an advisor to lobbyists is not lobbying as defined in the Lobbyist Registration Act; and (2) the 6-month ban applies only to lobbying in the General Assembly of which the former legislator was elected or appointed, such as when a legislator leaves office mid-term. It does not apply to lobbying in a successor General Assembly.

Note: Even when applicable to legislative branch lobbying, the 6-month ban does not apply to lobbying activities by former legislators of executive branch officers or agencies.



H. Statements of Economic Interest

Any person required to file a Statement of Economic Interest who willfully files a false or incomplete statement is guilty of a Class A misdemeanor punishable by imprisonment for up to 364 days and a fine of up to \$2,500. Failure to file by the May 1 deadline results in a late filing fee. Failure to file by May 15 results in an additional \$100 per day penalty. Failure to file by May 31 shall result in ineligibility for or forfeiture of office or State employment. Exceptions to those penalties are described below.

A Statement of Economic Interest discloses the sources of your (and, in some cases, your spouse's) financial assets, liabilities, and other interests. You must file a Statement of Economic Interest annually with the Secretary of State if you meet any one of these criteria:

- (1) are a member of or a candidate for election or nomination to the General Assembly;
- (2) are or function as the head of an office, agency, commission, or similar administrative unit of government;
- (3) have direct supervisory authority over or direct responsibility for the formulation, negotiation, issuance, or execution of State contracts of \$5,000 or more;
- (4) have supervisory responsibility for 20 or more State employees;
- (5) have responsibility with respect to the procurement of goods or services; or
- (6) hold an office subject to confirmation by the Senate.





The head of your agency should inform you if your employment position is one that necessitates filing a Statement of Economic Interest, but that is not a substitute for being aware of the statutory criteria listed in the previous slide.

The Secretary of State supplies the statement forms and provides for online filing. Your Ethics Officer must review your completed statement prior to filing.

The officer with whom a statement is to be filed may, in their discretion, waive the late filing fee, the monetary late filing penalty, and the ineligibility for or forfeiture of office or position when the person's late filing is due to (1) serious or catastrophic illness that renders the person temporarily incapable of completing the statement or (2) military service.

A filer's statement made in good faith reliance on guidance provided by the person's Ethics Officer shall not constitute a willful false or incomplete statement. However, a person cannot assert good faith reliance if he or she fails to disclose relevant facts to their Ethics Officer.





Example:

A State employee is promoted or otherwise given supervisory responsibility over 7 other employees. The State employee in question is not an agency head and has no procurement-related responsibilities.

The employee who has been promoted or otherwise given supervisory responsibility over 7 people is not required to file a Statement of Economic Interests simply because of having that supervisory responsibility. A supervisory employee with no other obligation to file a Statement of Economic Interest must file a statement only if the employee has supervisory authority over 20 or more State employees or is required to file by their employer.

If you have questions about whether you must file a Statement of Economic Interest or whether certain information must be reported on the statement, ask your Ethics Officer.





II. Fundraising Ethically

A. Political Contributions in Return for State-Related Benefits

Promising anything of value related to State government in consideration for a contribution to a campaign, political committee, or political party is a Class A misdemeanor punishable by imprisonment for a period of up to 364 days, a fine of up to \$5,000, and may also result in a State employee's discipline or discharge. In some circumstances, these or similar actions may also be punishable under federal law.

Some examples of a thing of value are a job, promotion, raise, employment benefit, appointment to a board or commission, favorable treatment in an official or regulatory matter, a public contract, and action or inaction on a legislative or regulatory matter.

State employees who are requested or directed by an officer, legislator, employee of the executive or legislative branch, or a candidate for an executive or legislative branch office to engage in this conduct, must report that request or direction to the appropriate Ethics Officer or the Legislative Inspector General.





Let's think about this:

A legislator's district director and assistant both are paid with State funds. The district director promises the assistant a raise if she contributes to the political campaign of the district director's brother. Has the director committed an ethical violation?

Yes. Promising or offering anything of value related to State government for a campaign contribution is a criminal violation of the State Officials and Employees Ethics Act.

If you have a question about whether you may promise anything of value to a person for a campaign or other political contribution, talk to your Ethics Officer.





B. Campaign Contributions on Session Days

Holding a political fundraiser on a session day or the day before a session day in violation of the State Officials and Employees Ethics Act is a Class A misdemeanor punishable by imprisonment for a period of up to 364 days and a fine of up to \$5,000.

Members of, candidates for, or a caucus of the General Assembly or a political committee acting on their behalf are prohibited from holding a political fundraiser on any day when the General Assembly is in session or on the day before a session day.

While this prohibition previously applied only to fundraisers held in Sangamon County, that limitation was deleted by Public Act 102-664. The legislative intent of P.A. 102-664 is to ban fundraisers anywhere on session days and the day prior.

This prohibition does not apply to a political fundraising function scheduled at least 14 days in advance of a day the legislature is in special session or the day immediately prior to such a day.

For purposes of this prohibition, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.





Example:

A legislator holds a fundraiser in St. Louis the day before a regular session day.

This is a violation because the language and legislative intent of the ban on fundraisers the day before a regular session day applies anywhere, not just in Illinois.

Let's think about another situation:

Both the House and Senate adjourn their spring sessions on May 31. On June 4, a legislator schedules a fundraiser for July 5. The Governor then calls the General Assembly back for a July 6 special session. May the legislator hold the fundraiser on July 5?

Yes, the legislator may hold the fundraiser on July 5 because the fundraiser was previously scheduled more than 14 days before the July 6 special session day.





C. Campaign Contributions on State Property

Soliciting, accepting, or making campaign contributions on State property in violation of the State Officials and Employees Ethics Act is an offense punishable by a fine of up to \$5,000 and may result in a State employee's discipline or discharge.

You may not solicit, accept, offer, or make campaign contributions on State property.

For purposes of this prohibition, "State property" is defined in the State Officials and Employees Ethics Act as all or part of a *building* owned or exclusively leased by the State. It does not include those parts of the building that the State rents to a private person or entity.

If you inadvertently solicit, accept, offer, or make a contribution on State property, it is not a violation if you take reasonable and timely action to return the contribution to its source.





Let's consider this occurrence:

A legislator's district office staff member opens an envelope mailed to the district office. Inside is a campaign contribution. Has the staff member violated the prohibition on accepting a campaign contribution on State property?

The answer is no if the staff member or legislator takes reasonable and timely action to return the contribution to its source. In this situation you must contact your Ethics Officer to make certain you take reasonable and timely action not to violate the Act.





III. Campaigning Ethically

A. Prohibited Political Activity

“Prohibited political activity” in violation of the State Officials and Employees Ethics Act is a Class A misdemeanor punishable by up to 364 days of imprisonment, a fine of up to \$5,000, and may also result in a State employee’s discipline or discharge.

State employees may not intentionally perform any “prohibited political activity,” as defined in the definitions section of the State Officials and Employees Ethics Act, during any State compensated time (other than vacation, personal, or compensatory time off).

Also, State employees and State legislators may not intentionally misappropriate any State property or resources to engage in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

The Act defines “political” as any activity in support of or in connection with any campaign for elective office or any political organization, but the term does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act,) (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.





While the prohibitions described relate only to State employees, members of the General Assembly and supervisors of State employees commit a criminal offense if they require a State employee to engage in a prohibited political activity or reward them for doing so.

The Act states it is illegal for any executive or legislative branch constitutional officer – defined in the Act as including members of the General Assembly – or any supervisor or even another State employee to require any State employee to perform any prohibited political activity (1) as part of or as a condition of the employee's State duties, or (2) during any compensated State time, including compensated time off such as vacation, personal, or compensatory time off.

Nor can any State employee be required at any time – including on their personal time – to participate in any prohibited political activity to be eligible to receive any additional compensation or employment benefit, including a salary increase or bonus, comp time off, or as a condition of continued State employment.

Nor can a State employee be awarded any such additional compensation or employment benefit to reward that employee for participating in prohibited political activity.





The Act defines “Prohibited political activity” as including the following 15 types of activities:

- 1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- 2) Soliciting [political] contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- 3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- 4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes, or for or against any referendum question.
- 5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office, or on behalf of a political organization for political purposes, or for or against any referendum question.





- 6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question. [Note: It is not illegal to be an election judge at a polling location as long as it is in a politically neutral capacity and not on behalf of any political organization or for or against any referendum question. The exception is a recount or challenge to the outcome of any election.]
- 7) Soliciting votes on behalf of a candidate for elective office or a political organization, or for or against any referendum question, or helping in an effort to get voters to the polls.
- 8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- 9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office. [Note: Employees can make voluntary political contributions on their own personal time, but not on State compensated work time or by using State property or State resources.]
- 10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.





- 11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- 12) Campaigning for any elective office or for or against any referendum question.
- 13) Managing or working on a campaign for elective office or for or against any referendum question.
- 14) Serving as a delegate, alternate, or proxy to a political party convention.
- 15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members. [Note that here, unlike for being a non-partisan election judge in a regular election, this prohibition on participating in an election vote recount is not limited to acting on behalf of a candidate or political organization. This is a blanket prohibition on participation in a recount.]

When in doubt about any of these prohibitions under particular circumstances, including voluntary political activity on personal time, seek the advice of your Ethics Officer.





Let's think about how the law applies to this situation:

A legislative staffer uses her work phone to put campaign material on social media during work hours. Has the legislative staffer engaged in any prohibited political activity?

Yes. The legislative staffer has committed two violations. She misappropriated State resources by using her work phone to put campaign material on social media, and she engaged in a prohibited political activity on State compensated work time.





B. Public Service Announcements

A violation of the limits in the State Officials and Employees Ethics Act on the broadcast, printing, and display of a Public Service Announcement (PSA) is an offense punishable by a fine of up to \$5,000 and may also result in a State employee's discipline or discharge.

A public service announcement (PSA) or advertisement may not be broadcast or aired on radio or television, printed in a commercial newspaper or magazine, or displayed on a billboard or electronic message board at any time if (1) it is on behalf of any State-administered program and (2) it contains the proper name, image, or voice of any member of the General Assembly (or executive branch constitutional officer). This prohibition does not apply if the PSA is funded through expenditures required to be reported as political contributions under the Election Code.





Let's examine this possible opportunity:

A legislator agrees to have his name and picture appear in a brochure that an executive branch agency prints to promote its programs. The brochure is for general distribution. Has the legislator committed a violation of the PSA rules?

No. The brochure is not for a broadcast on TV or radio, will not be printed in a commercial newspaper or magazine, and will not be displayed on a billboard or electronic message board.

If you are unsure about whether a PSA violates the State Officials and Employees Ethics Act, ask your Ethics Officer.





C. Other Promotional Materials

A violation of the limits stated in the State Officials and Employees Ethics Act on the use of the name or image of a General Assembly member on promotional materials is an offense punishable by a fine of up to \$5,000 and may also result in a State employee's discipline or discharge.

Absent at least one of two potential exceptions, the proper name or image of any member of the General Assembly may not appear on any of the following items listed in the statute if the item is designed, paid for, prepared, or distributed using public dollars:

Bumper stickers

Commercial billboards

Lapel pins or buttons

Magnets

Stickers

Other similar promotional items





The general rule is that if the item bears the proper name or image of a legislator and the item is promotional in nature, then State funds may not be used to purchase or distribute the item.

However, there are two exceptions. The promotional items limitations do not apply:

- 1) to expenditures funded by campaign committees; or
- 2) if the item furthers the legislator's official State duties or governmental and public service functions.





The caucus Ethics Officers and Legislative Inspector General have agreed on the following three-part description of what is in furtherance of a legislator's official State duties or governmental and public service functions:

- 1) The item can be used only for stateside activities and may not be used for any political purposes.
 - a) Stateside events include: back-to-school events, senior fairs, health fairs, veterans fairs, government workshops, town hall meetings, shred events, traveling office hours, job fairs, local community events (in-district neighborhood events, chamber of commerce, events, etc.). Events must be in the legislator's district or the proximate area of their district.
 - b) Stateside events do not include parades, 5Ks and other athletic events, State or county fairs unless the booth is entirely government related, or political events.
- 2) The item must have at least two contact points for the district office, either: (i) district office address; (ii) district office phone number; (iii) district office or legislator's email address; or (iv) the legislator's stateside website.





3) The item must be something that has some governmental and public service function.

Examples include:

- a) magnets that include the legislator's contact information and other important contact numbers like the Attorney General's consumer fraud, poison control hotline, etc;
- b) shirts for staff to wear to stateside events so that they can be identified by constituents;
- c) pens and pencils that constituents can use for a number of useful tasks like writing questions for lawmakers, signing important paperwork, as writing utensils that kids can use in school, etc;
- d) stress balls, usually handed out during health and senior fairs, since these items can assist individuals with health matters;
- e) bags handed out at events so that constituents can carry legislative and other state information (e.g. brochures); or
- f) other items that have a justifiable governmental and public service function.

When in doubt, ask your Ethics Officer.





Let's consider the following:

A legislator uses district-office State funds to buy pens bearing her name, address, and website for distribution at health fairs, town halls, and senior citizen meetings. Has the legislator violated the law regarding promotional materials?

No. The legislator has met the three necessary criteria:

- 1) The item is to be used for stateside activities and not political purposes such as a political rally;
- 2) The item provides two ways to contact the legislator (address and website); and
- 3) The item has a valid governmental or public service function, including that a pen can be used by constituents to communicate with the legislator about official State duties.





D. Newsletters and Brochures

There are periods during each general primary and general election cycle when there are restrictions on the printing and mailing of newsletters and brochures for members of the General Assembly. The time periods are from February 1 of the year of a general primary election through the day after the general primary election, and from September 1 of the year of a general election through the day after the general election.

During these restricted periods:

- 1) the Legislative Printing Unit (LPU) may not print a newsletter or brochure for a member of the General Assembly;
- 2) a member of the General Assembly may not mail a newsletter or brochure printed at any time by LPU; and
- 3) a newsletter or brochure paid for, in whole or in part, from the member's office allowance may not be mailed unless the newsletter or brochure is mailed to a constituent in response to the constituent requesting information.

The restrictions on mailing newsletters and brochures apply even if a legislator is running unopposed or is not on the ballot.

Note that the restrictions are on printing and mailing, not on distributing. It would therefore be permissible for a member to have a stack of previously printed brochures on a table in a district office for visitors to pick up at any time.





Example:

Suppose you work for a member of the General Assembly. On September 3 of a general election year, the member asks you to take the proof of a newsletter to LPU to be printed.

Because the LPU received the request after the statutory deadline of September 1, the LPU will not print the newsletter any sooner than two days after the November general election.

Newsletters and brochures are the focus of the restrictions. During the restricted periods, other items permitted by law or LPU rule may still be printed by LPU, mailed by the member, or paid for out of the member's office allowance. Examples include the member's office stationery and business cards.





Let's think about this scenario:

Three weeks before a general election, a legislator unopposed in a general primary election sends a mass mailing three weeks before the primary election of brochures printed by the Legislative Printing Unit. Has the law been violated?

Yes, this would constitute a violation. A legislator cannot between February 1 and the day after the general primary election lawfully mail brochures or newsletters printed by the Legislative Printing Unit. This prohibition applies regardless of when the LPU printed the material and regardless if the legislator is unopposed or not running for election.





IV. Working Ethically

A. Personnel Policies and Timekeeping

As required by the State Officials and Employees Ethics Act, all legislative employees are subject to the personnel policies adopted by their employer and filed with the Legislative Ethics Commission. Please refer to Appendix C to see which legislative office issues the personnel policies with which you must comply.

Legislative employees must adhere to their employer's personnel policies. These policies apply to work time requirements, documentation of time worked, documentation of reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits. They require legislative employees to submit time sheets that document the time spent each day on official State business to the nearest quarter hour. Time sheets must be filed with the employer.





Every legislative employee should obtain a copy of the applicable personnel policies, read them, and abide by them.

Let's stop and think what's required:

A legislator has adopted a personnel policy requiring her employees to electronically record their work hours daily. One employee daily writes his hours worked on a paper calendar. On Friday he enters his hours worked that week on an electronic timesheet and submits it. Is the employee in violation?

Yes. The legislator's personnel policy requires the daily submission of an electronic record of hours worked.

If you are unfamiliar with your office's personnel policies, contact your Ethics Officer and request a copy.





B. Ethical Use of District Office Allowance

The General Assembly Compensation Act establishes limits on General Assembly members' use of their district office allowances. Among other prohibitions, the district office allowance cannot be used for political campaigns or for making payments to family members. The definition of “family member” can be found in the list of citations in Appendix A.

Example:

A legislator's nephew is a handyman. A light in the legislator's office stops working. The legislator pays her nephew from her district office allowance to fix the light.

The legislator may not authorize payment from her district office allowance to her nephew. A nephew is one of the 18 types of relatives the statute prohibits from receiving payment from a legislator's district office allowance.

If you have questions about whether it is permissible to make a particular expenditure from your district office allowance, ask your Ethics Officer.





V. Reporting, Investigating, and Adjudicating Ethics Violations

A. Whistleblower Protections

A General Assembly member or State employee who intentionally engages in retaliation against a State employee for blowing the whistle on activities that violate the State's ethics laws or rules commits a Class A misdemeanor that is punishable by imprisonment for up to 364 days, a fine of up to \$5,000, and may result in a State employee's discipline or discharge.

Retaliatory action includes a reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment that is taken in retaliation for a State employee's involvement in any of the following enumerated protected activities.





A constitutional officer, member of the General Assembly, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee:

- (1) discloses, or threatens to disclose, to a supervisor or a public body any activity, policy, or practice of a State officer, General Assembly member, State agency, or State employee that the employee reasonably believes violates a law, rule, or regulation;
- (2) provides information to or testifies before a public body conducting an investigation, hearing, or inquiry concerning a violation of a law, rule, or regulation by a State officer, General Assembly member, State agency, or State employee; or
- (3) assists or participates in a proceeding to enforce the State Officials and Employees Ethics Act.

Every legislative agency must conspicuously display notices of this protection against retaliation.

If a State employee proves in court that he or she was retaliated against, he or she may be entitled to remedies that include reinstatement of employment, two times back pay with interest, reinstatement of fringe benefits and seniority rights, and reasonable costs and attorney fees.





Let's consider whether this supervisor's action is prohibited:

A State employee overhears a colleague using a State phone to plan a campaign event. The employee tells his supervisor what he overheard. The supervisor tells the employee to drop the matter.

The employee files a complaint with the Legislative Inspector General alleging that his colleague engaged in a prohibited political activity. The supervisor learns of the complaint and suspends the employee who filed it for insubordination. Has a violation occurred?

Yes. The supervisor has violated the whistleblower protection law by retaliating against the employee for filing a complaint with the Legislative Inspector General.





B. Ethics Officers

Your agency has an Ethics Officer to whom you can report violations of the State's ethics laws.

The Ethics Officer can also provide guidance in the interpretation and implementation of those laws.

The Ethics Officer also serves as a liaison between your agency and the Legislative Inspector General and the Legislative Ethics Commission. The Ethics Officer can obtain further guidance for you from those sources.

The best time to confer with your Ethics Officer is before you do something questionable. If your Ethics Officer provides guidance about a matter, then you may rely on that guidance if you act in good faith.

You also have the alternative, at any time, to seek the advice of a private attorney. If you do, your private communications will be protected by attorney-client privilege, so you will be able to speak confidentially with the private attorney.

Your Ethics Officer's contact information is included in Appendix C.





C. Legislative Inspector General

The Legislative Inspector General (LIG) is appointed by the General Assembly. The primary enforcement role of the LIG is to investigate complaints alleging violations of the State Officials and Employees Ethics Act and other related laws and rules committed by members of the General Assembly and legislative branch employees. The LIG's jurisdiction includes allegations of discrimination, harassment, or sexual harassment.

It is the statutory duty of every officer and employee under the jurisdiction of the LIG to cooperate with the LIG in any investigation undertaken pursuant the LIG's authority.

Any person who intentionally makes a false report alleging a violation of the State Officials and Employees Ethics Act to the LIG or Legislative Ethics Commission or any law enforcement official is guilty of a Class A criminal misdemeanor punishable by up to 364 days of imprisonment.

The LIG has various powers to conduct investigations and is authorized to work with executive branch inspectors general when alleged violations span the legislative and executive branches. The LIG can also refer complaints to criminal law enforcement agencies.

The LIG is also mandated to assist and coordinate with the Ethics Officers of the legislative branch, such as in the preparation of these training materials.





If you need to report a violation of the State Officials and Employees Ethics Act, the Illinois Governmental Ethics Act, or any other matter within the LIG's jurisdiction, complete the LIG complaint form available on the LIG's ilga.gov website, which is listed in Appendix B: Websites.

Consider this situation:

The Legislative Inspector General receives a complaint about a legislator. The LIG's investigation finds that the legislator committed an ethics violation. May the LIG punish the legislator?

No. The LIG's duty is to determine through investigation if the available evidence supports a conclusion that a complaint is supported by sufficient credible evidence to justify taking further action to adjudicate or take disciplinary action. If the LIG deems a complaint to be well founded and requires adjudication, the complaint is forwarded by the LIG to the Attorney General, who may file a complaint on the LIG's behalf with the Legislative Ethics Commission (LEC). Following due process procedures, the LEC then adjudicates the matter and decides if punishment or other remedial action is warranted.

In cases where the LIG finds a minor violation has been committed, the LIG may choose to work with the subject of the complaint to remedy the situation rather than forward the complaint to supervisors or the LEC.





To be proactive and educate legislators and legislative branch employees on ethics laws to avoid potential violations, rather than only reacting after violations occur by conducting investigations, the LIG's office produces "Ethics Answers," a series of informative videos published on the LIG's ilga.gov webpage. The videos discuss ethics issues in greater explanatory depth than is practical in this training and are generally five to twenty minutes long.

You are encouraged to go to the LIG's webpage or use the link in Appendix B to view those videos. You will be notified by email from your Ethics Officer when new videos are posted.

If you wish to pose a question or suggest a topic for an episode of Ethics Answers, please contact the LIG's Legal/Ethics Advisor using the contact information listed in Appendix B.





D. Legislative Ethics Commission

The Legislative Ethics Commission (LEC) consists of eight commissioners. The President and Minority Leader of the Senate and the Speaker and Minority Leader of the House each appoint two commission members. Commissioners are listed on the LEC website in Appendix B.

The Legislative Ethics Commission has jurisdiction over members and employees of the General Assembly, including the legislative support services agencies. The primary purpose of the Legislative Ethics Commission is to conduct hearings and rule on complaints brought against members of the General Assembly and legislative employees for alleged violations of the State Officials and Employees Ethics Act, to which its jurisdiction is statutorily limited.

Only the Legislative Inspector General, acting through the Attorney General, may present a complaint to the Commission.

The Legislative Ethics Commission has the authority to dismiss a complaint, or after ruling on a complaint, recommend disciplinary action, issue injunctions, impose administrative fines, and publish public reports.





Conclusion

Thank you for taking the time to complete the Ethics Awareness Training.

Please remember to use your Ethics Officer as a resource to answer any questions you may have. You may also contact the Office of the Legislative Inspector General with questions.

When this video ends, you will be prompted to certify, subject to penalty for making a false statement, your personal completion of your Ethics Awareness Training. Enter your name and work phone number. Then, select your Ethics Officer from the drop-down menu and select the proper district office staff designation. When you have correctly completed each field, click “Submit”.

When the form appears with your information, print, sign, and submit it to your Ethics Officer or supervisor as instructed. Do not close the browser window until your completion certificate successfully prints. If you fail to print the document, you have to re-watch the video to access the form.

Finally, when you are prompted to fill out the completion certificate, you will also be prompted in a separate pop-up window to complete the optional Ethics Awareness Training Evaluation survey. All responses are anonymous. The LEC would appreciate your feedback on this retake of the Ethics Awareness Training you just completed.

