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Chicago Board of Election Commissioners Ethics Policy

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CHICAGO BOARD OF ELECTION COMMISSIONERS

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RESOLUTION

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of the Act; and

WHEREAS, the Board of Election Commissioners of the City of Chicago (the “Board”) voluntarily enacted and implemented regulations that are at least as restrictive as those contained in the Act even though it is not a unit of local government or school district covered by the Act and now wishes to amend them;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO, AS FOLLOWS:

SECTION 1: The Board’s General Rules of Administration are hereby amended by the addition of the following provisions:

ETHICS

ARTICLE 1. DEFINITIONS

Section 1-1. Definitions. For purposes of these rules, the following terms shall be given these definitions:

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, or (ii) that are otherwise in furtherance of the person’s official duties.

“Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

“Compensated time” means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of these rules, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the

control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensation" means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Covered relative" means the spouse or domestic partner of any official, candidate for city office, or employee, or the immediate family, and relatives residing in the same residence with the official, candidate for city office, or employee.

"Employee" means a person employed by the Board of Election Commissioners of the City of Chicago, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the Board of Election Commissioners of the City of Chicago.

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

"Financial interest" means an interest held by an officer or employee that is valued or capable of valuation in monetary terms with a current value of more than \$1,000.00, provided that such interest shall not include (1) the authorized compensation paid to an officer or employee for any office or employment; (2) a time or demand deposit in a financial institution; or (3) an endowment or insurance policy or annuity contract purchased from an insurance company; or (4) any ownership through purchase at fair market value or inheritance of the shares of a mutual fund corporation, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; or (5) any ownership through purchase at fair market value or inheritance of not more than \$15,000.00 worth of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended. Such interest also shall not include any ownership by a current officer or employee through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended, and if such ownership existed before November 1, 2012.

"Gift" means 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, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

“Officer” means a person who holds, by appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, including a Commissioner of the Board.

“Political activity” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, or (ii) that are otherwise in furtherance of the person’s official duties.

“Political organization” means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3) or with the Federal Election Commission under federal law, but only with regard to those activities that require filing with the State Board of Elections, county clerk or Federal Election Commission.

“Prohibited political activity” means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting 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 anything 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 or helping in an effort to get voters to the polls on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question.
- (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.

(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 or as an officer or member of any political organization.

(15) Participating in any recount or challenge to the outcome of any election on behalf of any candidate for office or on behalf of any proponents or opponents of any referendum question unless required by one's duties and responsibilities as an officer or employee of the Board.

(16) Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material, or distributing such material.

(17) Addressing a convention, caucus, rally or similar gathering in support of or in opposition to a candidate for public office or political party office.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

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

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

"Relative" means a person who is related to an officer or employee of the Board as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law,

son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

ARTICLE 2. CONFLICTS OF INTEREST AND IMPROPER INFLUENCE; CODE OF CONDUCT

Section 2-1. Fiduciary duty. Officers and employees shall at all times in the performance of their public duties owe a fiduciary duty to the Board.

Section 2-2. Improper influence. No officer or employee shall make, participate in making, or in any way attempt to use his or her position to influence any Board decision or action in which he or she knows or has reason to know that he or she has any economic interest distinguishable from its effect on the public generally, or from which he or she has derived any income or compensation during the preceding twelve months or from which he or she reasonably expects to derive any income or compensation in the following twelve months.

Section 2-3. Solicitation or receipt of money for advice for assistance. No officer or employee, and no spouse or domestic partner of, or immediate family member living with any officer or employee, shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the Board; provided, however, that nothing in the section shall prevent an officer or employee or the spouse or domestic partner of, or immediate family member living with any officer or employee, from accepting compensation for services wholly unrelated to the officer's or employee's Board duties and responsibilities and rendered as part of his or her non-Board employment, occupation or profession.

Section 2-4. Board-owned property. No officer or employee shall engage in or permit the unauthorized use of property owned by the Board or by the City of Chicago.

Section 2-5. Use or disclosure of confidential information. No current or former officer or employee shall use or disclose, other than in the performance of his or her official duties and responsibilities or as may be required by law, confidential information gained in the course of or by reason of his or her position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

Section 2-6. Conflicts of interest; appearance of impropriety. No officer or employee shall make or participate in the making of any governmental decision with respect to any matter in which he or she has any economic interest distinguishable from that of the general public, or from which he has derived any income or compensation during the preceding twelve months or from which he reasonably expects to derive any income or compensation in the following twelve months. Any officer or employee who has a financial interest in any matter pending before the Board shall disclose the nature of such interest to the Board. The obligation to report under this section arises as soon as the officer or employee is or should be aware of the pendency of the matter. This section does not apply to applications for health, disability, pension or worker's compensation benefits.

Section 2-7. Representation of other persons. (a) No officer or employee may represent, or have an economic interest in the representation of, any person other than the Board in any formal or informal proceeding or transaction of a non-ministerial nature before the Board,

provided that nothing in this section shall preclude any officer or employee from performing the duties of his or her employment.

(b) No officer or employee may derive any income or compensation from the representation of, any person, in any judicial or quasi-judicial proceeding before any administrative agency or court in which the Board is a party and that person's interest is adverse to that of the Board.

(c) No officer or employee may represent any person in the circumstances described in subsection (a) or (b) unless the matter is wholly unrelated to the officer's or employee's Board's duties and responsibilities.

Section 2-8. Post-employment restrictions. (a) No former officer or employee shall assist or represent any person other than the Board in any judicial or administrative proceeding involving the Board if the officer or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former officer or employee shall, for a period of one year after the termination of the officer's or employee's term of office or employment, assist or represents any person in any business transaction involving the Board if the officer or employee participated personally and substantially in the subject matter of the transaction during his or her term of office or employment; provided, that if the officer or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

Section 2-9. Interest in Board business. No officer or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the Board, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the Board or the City of Chicago, or is authorized by ordinance. Unless sold pursuant to a process of competitive bidding following public notice and after disclosure of his or her true identity, no officer or employee shall have a financial interest in the purchase of any property that belongs to the Board. For purposes of this section, any of the following shall not constitute a financial interest in any contract, work or business of the Board:

(i) ownership of less than 1% of the outstanding common stock in any entity or its parent, subsidiary or affiliate, regardless of the value of dividends paid or accrued on such stock, and such stock is registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended;

(ii) compensation for property taken pursuant to the city's eminent domain power; and

(iii) any interest of a relative which interest is related to or derived from the relative's independent occupation, business or profession.

Section 2-10. Contract inducements. No payment, gratuity or offer of employment shall be made to or accepted by any officer or employee in connection with any Board contract, by or on behalf of a contractor, subcontractor to the prime contractor or higher-tier subcontractor or any person associated therewith, as an inducement for the award of a contract, subcontract or order. This prohibition shall be set forth in every Board contract and solicitation therefor.

Section 2-11. Employment of relatives or business associates. (a) No officer or employee shall employ or advocate for employment with the Board any person (i) who is a relative of said

officer or employee; (ii) in exchange for or in consideration of the employment of any of said officer's or employee's relatives by any other officer or employee of the City of Chicago or (iii) with whom such officer or employee has a business relationship.

(b) No officer or employee shall exercise contract management authority where any relative of the officer or employee is employed by or has a contract with the person or persons doing business with the Board over which the officer or employee has or exercises contract management authority.

(c) No officer or employee shall use or permit the use of his or her position to assist any relative in securing employment or contracts with persons over whom the officer or employee exercises contract management authority. The employment of or contracting with a relative of such an officer or employee by such person or persons within six months prior to, during the term of, or six months subsequent to the period of a Board contract shall be evidence that said employment or contract was obtained in violation of this section.

(d) Although the Board does permit the hiring within the Board of individuals of the same family or those who have a personal relationship, hiring within a department is not permitted when those individuals have been employed or may be employed in the capacity of an employee-supervisor scenario. To further avoid a conflict of interest or the appearance of a conflict of interest, no employee may initiate or participate in, directly or indirectly, decisions involving a direct benefit, e.g., initial hire or rehire, promotion, salary, performance appraisals, work assignments or other working conditions for or on behalf of any relative, as defined herein, or person who lives in the same household or with whom the employee has an intimate relationship.

(e) For purposes of this section, "relative" shall mean a person who is related to the officer or employee as spouse or domestic partner or any of the following, whether by blood, marriage or adoption: parent, child, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse or domestic partner and the individual's fiancé or fiancée.

Section 2-12. Prohibited Conduct.

(a) No officer or employee or the spouse or domestic partner of such officer or employee, or any entity in which such officer or employee or his or her spouse or domestic partner has a financial interest, shall apply for, solicit, accept or receive a loan of any amount from any lobbyist or person who is either doing business or seeking to do business with the Board; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the official or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.

(b) No officer, or the head of any Board department, shall retain or hire as a Board employee or Board contractor any person with whom any officer or Board department head has

any business relationship that creates a financial interest on the part of the officer, or Board department or agency head, or the domestic partner or spouse of the officer, or Board department or agency head.

(c) No officer or employee shall knowingly negotiate the possibility of future employment with any person, except with a government agency, that has a matter currently pending before such employee or officer.

(d) No officer or employee shall personally participate in a decision-making capacity, for a period of two years from the date of employment or becoming an officer, in a matter that benefits his or her immediate former employer or immediate former client who the employee or officer represented or on whose behalf he or she acted as a consultant or lobbyist prior to commencing his or her Board employment or prior to becoming a Board officer.

Section 2-13. Code of conduct.

(a) The code of conduct set forth in this section shall be aspirational and shall guide the conduct of every officer and employee of the Board. All officers and employees of the Board shall:

- (1) remember that they are public servants who must place loyalty to the federal and Illinois constitutions, laws, and ethical principles above their private gain or interest.
- (2) give a full day's work for a full day's pay.
- (3) put forth honest effort in the performance of their duties.
- (4) treat members of the public with respect and be responsive and forthcoming in meeting their requests for information.
- (5) act impartially in the performance of their duties, so that no private organization or individual is given preferential treatment.
- (6) refrain from making any unauthorized promises purporting to bind the Board.
- (7) never use any nonpublic information obtained through the performance of Board work for private gain.
- (8) engage in no business or financial transaction with any individual, organization or business that is inconsistent with the performance of their Board duties.
- (9) protect and conserve Board property and resources, and use Board property and resources only for authorized purposes or activities.
- (10) disclose waste, fraud, abuse, and corruption to the appropriate authorities.
- (11) adhere to all applicable laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, gender, national origin, age, sexual orientation, or handicap.

(b) At the time of employment or becoming a Board officer, every Board officer or employee shall sign, in a form prescribed by the Board, a commitment to follow the Board's code of conduct set forth in this section. The department of human resources shall administer

such commitment and provide a copy of the commitment to each employee at the time his or her service to the Board is initiated. The Board shall administer such commitment and provide a copy of the commitment to each Board officer at the time of the swearing in or appointment of the officer.

(c) This section is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Board, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

ARTICLE 3. DUTY TO REPORT AND WHISTLEBLOWER PROTECTION

Section 3-1. Duty to report corrupt or unlawful activity. (a) Every Board employee or officer shall report, directly and without undue delay, to the Board's general counsel any and all information concerning conduct which such employee or officer knows or should reasonably know to involve corrupt or other unlawful activity (i) by another Board employee or officer which concerns such employee's or officer's employment or office; or (ii) by any person dealing with the Board which concerns the person's dealings with the Board.

(b) Any employee or officer who knowingly fails to report a corrupt or unlawful activity as required in this section shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined.

Section 3-2. Whistleblower protection.

(a) For the purposes of this section:

(1) "Public body" means: (i) any office or department of the Board; (ii) city, state or federal government; (iii) any local law enforcement agency or prosecutorial office; (iv) any federal or state judiciary, grand or petit jury, or law enforcement agency; and (v) any official, employee, department, agency, or other division of any of the foregoing.

(2) "Retaliatory action" means: (i) the reprimand, discharge, suspension, demotion, or denial of promotion or transfer of any employee that is taken in retaliation for an employee's involvement in protected activity as set forth in subsection (b) of this section; or (ii) the denial or revocation of any city permit, license, certification, loan, grant, tax credit or other financial subsidy, the denial of any city service, or the denial of employment with the city for which a person is qualified, that is made in retaliation for that person having engaged in a protected activity as set forth in subsection (b) of this section.

(b) No person shall take any retaliatory action against an employee or any other person because the employee or the person does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, employee, or city contractor that the employee or other person reasonably believes evidences: (i) an unlawful use of Board funds or Board funding for actions performed by or on behalf of the Board, unlawful use of official authority, or other unlawful official conduct that poses a substantial and specific danger to public health or safety by any officer, employee or city contractor; or (ii) any other violation of a law, rule, or regulation by any

officer, employee, or city contractor that relates to their work performed for, or on behalf of, the Board; or

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any official activity, policy, or practice described in subsection (b)(1).

(c) If any retaliatory action, as defined in subsection (a)(2)(i), is taken against an employee in violation of this section, the employee shall be entitled to the following relief, if applicable:

- (1) reinstatement of the employee to either the same position held before the retaliatory action or to an equivalent position;
- (2) two times the amount of back pay; and
- (3) reinstatement of full fringe benefits and seniority rights.

(d) If any retaliatory action, as defined in subsection (a)(2)(ii), is taken against any person in violation of this section, the person shall be entitled to the following relief, if applicable:

- (1) Reconsideration of any action or Board service denied or revoked as a result of the violation, to the extent such reconsideration is practically possible and funds are available.
 - (2) Reconsideration of a job application rejected as a result of the violation, to the extent such reconsideration is practically possible and such job position is not yet filled.
 - (3) Actual damages proved to be directly and specifically caused by, and that would not have occurred but for, the retaliatory action, but in no case shall such actual damages include claimed lost profits.
- (e)
- (1) It shall be a prerequisite to the bringing of an action against the Board for relief under paragraph (d) of this section that the person seeking relief first provide written notice to the Board's Executive Director and to the Board's general counsel within 30 days of the person's awareness of facts giving rise to the claim of retaliatory action. The purpose of this notice requirement is to allow the Board a timely opportunity to recognize, correct and/or minimize any harm resulting from any retaliatory action. The notice shall specify in detail the facts and circumstances that constitute the alleged retaliatory action. Upon receiving this notice, the Executive Director and/or the general counsel shall investigate the allegations and take all necessary and appropriate actions to remedy any retaliatory action.
 - (2) Any action for relief under paragraph (d) of this section may only be brought against the Board, and must be brought within six months of the alleged retaliatory action for which relief is sought.

(f) The remedies set forth in paragraphs (c) and (d) of this section shall be the sole and exclusive remedies for any violations of this section.

ARTICLE 5. PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity, as defined herein, except that these provisions do not prohibit an officer or employee from (i) signing the nominating petition of a candidate for office or a petition seeking to place a referendum on the ballot, or (ii) voting for any candidate for office or on any referendum on the ballot. No officer or employee shall intentionally use any property or resources of the Board in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform at any time any prohibited political activity (i) as part of that officer or employee's duties, or (ii) as a condition of employment (iii) during any time off that is compensated by the Board (such as vacation, personal, or compensatory time off).

(c) A Board employee shall not be required at any time to participate in any prohibited political activity in consideration for that Board employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A Board employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the Board employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties.

ARTICLE 10. GIFT BAN

Section 10-1. Gift ban. (a) Except as permitted by this Article, no officer or employee, and no spouse or domestic partner of, or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any anonymous or prohibited source, as defined herein, or which is otherwise prohibited by law unless the total value of all gifts given to the recipient by a single source amounts to no more than \$50.00 in a calendar year. No prohibited source shall intentionally offer or make a gift that violates this Section.

(b) No officer or employee shall accept any gift or money ("honoraria") for participating in speaking engagements, lectures, debates or organized discussion forums in the course of the officer's or employee's Board employment, provided, however, that nothing herein shall prevent such individual from accepting any honorarium from such services wholly unrelated to such individual's Board duties and responsibilities and rendered as part of his or her non-Board employment, occupation or profession.

(c) No person shall give or offer to give to any officer or employee, or the covered relative of such officer or employee, and none of them shall accept, anything of value, including, but not limited to, a gift, favor or promise of future employment, based upon any mutual understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any officer or employee concerning the business of the Board would be influenced thereby. It shall be presumed that a non-monetary gift having a value of no more than \$50.00 does not involve such an understanding.

(d) No officer or employee, or the covered relative of such officer or employee, shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the Board; provided, however, that nothing in this section shall prevent an officer or employee, or the covered relative of such officer or employee from accepting compensation for services wholly unrelated to the officer's or employee's Board duties and responsibilities and rendered as part of his or her non-Board employment, occupation or profession.

(e) The prohibitions of this section shall not apply to any food, refreshment, lodging, transportation, or other gift or benefit resulting from the outside business, employment or community activities of a covered relative, if such benefit has not been offered or enhanced because of the officer's position or employment of the officer or employee, and is customarily provided to others in similar circumstances.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse, domestic partner or immediate family member, pays the fair market value.

(3) Educational materials and missions.

(4) Approved travel expenses for a meeting to discuss Board business in accordance with the Board's Travel Regulations.

(5) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse or domestic partner and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse, domestic partner or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were

purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(10) Bequests, inheritances, and other transfers at death.

(11) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$50.

(12) An award publicly presented in recognition of public service.

(13) A gift accepted on the Board's behalf provided, however, the person accepting the gift shall promptly report receipt of it to the Board and to the Ethics Committee as hereinafter established.

(14) Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with meetings, public events, appearances or ceremonies related to official Board business, if furnished by the sponsor of such meeting or public event, and further provided that such travel and expenses, entertainment, meals or refreshments are reported to the board within 10 days of acceptance thereof.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Employee-to-employee gifts.

(a) For purposes of this section, the following definitions shall apply:

"Official superior" means any employee, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of other employees' official duties or those of any other supervisor of the employee. For purposes of this section, an employee is considered to be the subordinate of any of his official superiors.

"Solicit" means to request contributions by personal communication or by general announcement.

"Voluntary contribution" means a contribution given freely, without pressure or coercion. A contribution is not voluntary unless it is made in an amount determined by the contributing employee, except that where an amount for a gift is included in the cost for a luncheon, reception or similar event, an employee who freely chooses to pay a proportionate share of the total cost in order to attend such event shall be deemed to have made a voluntary contribution.

(b) Except as provided in this section, an employee shall not (i) give a gift to or make a donation towards a gift for an official superior; or (ii) solicit a contribution from another employee for a gift to either his own or the other employee's official superior.

(c) Except as provided in this section, an employee shall not accept a gift from an employee receiving less pay than himself unless: (i) the two employees are not in a subordinate-official superior relationship; and (ii) there is a personal relationship between the two employees that would justify the gift.

(d) The restriction in subsections (b) and (c) shall not apply to the following:

- (1) On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (i) Items, other than cash, with an aggregate market value of \$10.00 or less per occasion;
 - (ii) Items such as food and refreshments to be shared in the office among several employees;
 - (iii) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends; or
 - (iv) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.
- (2) A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - (i) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
 - (ii) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.
- (3) An employee may solicit a voluntary contribution of no more than \$20.00 from a fellow employee for an appropriate gift to an official superior and an employee may make a voluntary contribution of \$20.00 or less to an appropriate gift to an official superior:
 - (i) On a special, infrequent occasion as described in subsection (d)(2) of this section; or
 - (ii) On an occasional basis, for items such as food and refreshments to be shared in the office among several employees. An employee may accept such gifts to which a subordinate or other employee receiving less pay than himself has contributed.

(e) Notwithstanding any other provision of this section, an official superior shall not coerce a gift from a subordinate.

Section 10-4. Disposition of gifts. An officer or employee, his or her spouse, domestic partner or an immediate family member living with the officer or employee, does not violate

these rules if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15. ETHICS ADVISOR

Section 15-1. Designation. The Executive Director, with the advice and consent of the Board, shall designate an Ethics Advisor for the Board.

Section 15-2. Duties. The Ethics Advisor shall provide guidance to the officers and employees of the Board concerning the interpretation of and compliance with the provisions of these rules and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board.

ARTICLE 20. ETHICS COMMITTEE

Section 20-1. Creation; composition. There is hereby created a committee to be known as the Ethics Committee of the Board of Election Commissioners of the City of Chicago. The Committee shall be comprised of three members consisting of one Commissioner of the Board appointed by the Board's Chairman, the Executive Director and the Board's General Counsel. If any complaint filed pursuant to this Article 20 charges a member of the Ethics Committee with a violation of these rules, the Chairman shall appoint a substitute member to serve on the Ethics Committee to hear and decide such complaint.

Section 20-2. Meetings. The Commissioner of the Board serving on the Ethics Committee shall serve as the chairperson of the Ethics Committee. Meetings shall be held at the call of the chairperson or any 2 members of the Ethics Committee. A quorum shall consist of two members of the Ethics Committee, and official action by the Committee shall require the affirmative vote of two members.

Section 20-3. Removal; vacancies. The Chairman of the Board may remove a member of the Ethics Committee in case of incompetence, neglect of duty or malfeasance in office after service on the member by certified mail, return receipt requested, of a copy of the written charges against the member and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled by the Chairman.

Section 20-4. Powers and duties. The Ethics Committee shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a written complaint, to investigate, conduct hearings and deliberations, and issue recommendations for disciplinary actions. The Ethics Committee shall, however, act only upon the receipt of a written complaint alleging a violation of these rules and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of these rules.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Board to cooperate with the Ethics Committee during the course of its investigations. Failure or refusal to cooperate with requests by the Ethics Committee shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Ethics Committee are limited to matters clearly within the purview of these rules.

Section 20-5. Complaints. (a) Complaints alleging a violation of these rules shall be filed with some member of the Ethics Committee who shall promptly forward the same to the other members of the Committee.

(b) Within 3 business days after the receipt of a complaint, the Ethics Committee shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Ethics Committee shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the Committee. The notices to the respondent and the complainant shall also advise them of the date, time, and place of a meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' notice to the respondent and the complainant, the Ethics Committee shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of these rules, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Ethics Committee shall issue notice to the complainant and the respondent of the Committee's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of these rules and there is a determination of probable cause, then the Ethics Committee shall proceed to conduct a hearing as provided below and the Committee's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Ethics Committee shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

(d) On the scheduled date and upon at least 48 hours' notice to the respondent and the complainant, the Ethics Committee shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Ethics Committee shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the respondent, to the Executive Director and to the Board. The particular findings in the case and any recommendation for discipline shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline. The filing of the demand shall stay the enforcement of any disciplinary action.

Within 14 days after receiving the demand, the Ethics Committee shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Ethics Committee shall publicly issue a final recommendation to the respondent, to the Executive Director and to the Board.

(g) If the Ethics Committee finds that respondent violated these rules, the Committee may recommend any appropriate discipline up to and including discharge as provided in section 25-1 hereof.

(h) If the respondent is a Commissioner of the Board, the Ethics Committee shall forward a copy of its findings and recommendations to the Chief Judge of the Circuit Court of Cook County.

(i) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

Section 20-6. Confidentiality. (a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Ethics Committee shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to the disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as a source of an allegation.

(b) The Ethics Committee shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act.

ARTICLE 25. PENALTIES

Section 25-1. Penalties. An officer or employee who violates any provisions of these rules is subject to discipline or discharge, except that any violation of Article 5 herein shall be cause for removal from office or discharge.

SECTION 2: This Resolution shall be in effect upon its approval and adoption.

SECTION 3. Copies of the Resolution shall be distributed to all officers and employees of the Board and the provisions of this Resolution shall be incorporated into the Board's Personnel Handbook in a timely manner and made available to all officers and employees of the Board. To the extent any existing provisions in the Handbook conflict with this Resolution, they are hereby superseded.

Approved and Adopted: July 13, 2004.

Amended November 10, 2015.

Amended May 3, 2016.