



CITY OF CHICAGO



BOARD OF ETHICS

To: The Honorable Brandon Johnson, Mayor

The Honorable Matt Martin, Chair, Committee on Ethics & Government Oversight

The Honorable Maria Hadden, Vice Chair, Committee on Ethics & Government Oversight

From:   
Steven I. Berlin, Executive Director, Board of Ethics

Re: Proposed amendments to the Governmental Ethics Ordinance based on Mayoral Executive Order 2011-2

Date: May 14, 2024

At its meeting yesterday, the members of Board of Ethics, pursuant to Board's power and duty in §§2-156-380(e) and (f) of the Governmental Ethics Ordinance, voted unanimously to formally recommend to the Mayor and City Council that the prohibition on registered lobbyists' political contributions to the Mayor, provided for in Mayoral Executive Order 2011-2 (attached, signed by then-Mayor Rahm Emanuel on May 16, 2011), be codified into law. The proposed amendments are attached. The Board makes this recommendation in light of its dismissal (for lack of jurisdiction) of five (5) cases involving registered lobbyists who contributed to Mayor Johnson in apparent violation of that Executive Order. Such codification would enable the Board of Ethics to enforce the ban with the penalties as set forth in the proposed amendment, and enable the Office of Inspector General to investigate potential violations where appropriate. The Board urges consideration and passage of these proposals.

Kindly note that the proposals expand on the Executive Order in several ways: they provide that any registered lobbyist, or any entity in which a registered lobbyist owns more than 1% that contributes either to the Mayor or the Mayor's authorized political committee, or to any candidate for Mayor to that candidate's committee, be subject to a fine of *three times (3x) the amount of the contribution* for their first violation, regardless whether the committee returns the contribution or the lobbyist requests such a return, and to *suspension of their lobbyist registration for 90 calendar days for all subsequent violations*.

cc: Christina Pacione-Zayas, Chief of Staff  
Sydney Holman, Director of Office of Intergovernmental Affairs  
Mary Richardson-Lowry, Corporation Counsel  
Deborah Witzburg, Inspector General

Attachments: draft amendments; Mayoral Executive Order 2011-2



2011 MAY 16 PM 4:26

OFFICE OF THE MAYOR  
CITY OF CHICAGO

OFFICE OF THE  
CITY CLERK

RAHM EMANUEL  
MAYOR

**Executive Order No. 2011-2**

WHEREAS, the people of the City of Chicago are entitled to have absolute faith in the integrity of governmental decisions and it is crucial that individuals who are elected to public office have the trust, respect and confidence of the citizenry; and

WHEREAS, in order to promote public confidence in government and its decision-making, it is necessary that public officials adhere to the highest ethical standards and avoid transactions and circumstances that may compromise or appear to compromise the independence of any City decision; and

WHEREAS, it is essential that the public have confidence that City government and its policies are driven by the City's best interests; and

WHEREAS, current state statutes and local ordinances governing political contributions prohibit anonymous political contributions or contributions in the names of other persons and prohibit anyone from compelling, coercing or intimidating another into making political contributions; and

WHEREAS, the provisions of this Order represent a message to every Chicagoan that the City's Mayor is committed to a city administration based on the highest ethical standards; and

WHEREAS, by this Order, an unmistakable message about ethical conduct will be conveyed; now, therefore,

I, RAHM EMANUEL, Mayor of the City of Chicago, do hereby order as follows:

**1. Definitions**

"Contribution" means a "political contribution" as defined in Section 2-156-010 of the Municipal Code of Chicago.

"Lobbyist" means a person who is registered as a lobbyist with the Board of Ethics pursuant to Chapter 2-156 of The Municipal Code of Chicago.

"Political Fundraising Committee" means a "political fundraising committee" as defined in Section 2-156-010 of the Municipal Code of Chicago.

2. Violations

It shall be a violation of this Order for any Lobbyist to make a Contribution of any amount to the Mayor or to his Political Fundraising Committee.

3. Enforcement

The Board of Ethics shall not accept a lobbyist registration statement from any person who it finds to have violated this Order.

4. General Provisions

a. If any provision of this Order or the application of such provision is held to be invalid, the remainder of this Order and other dissimilar applications of such provision shall not be affected.

b. Nothing in this Order shall be construed to impair or otherwise affect authority granted by law to a department, agency, board or the head thereof

c. This Order shall be implemented consistent with applicable law.

d. This Order 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 City of Chicago, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

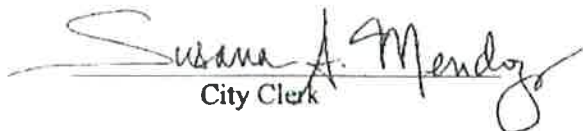
5. Effective Date

This Order shall take effect upon its execution and filing with the City Clerk.



Mayor

Received and filed May 16, 2011



Susana A. Mendez  
City Clerk

## ORDINANCE

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** Chapter 2-156 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follow:

*(Omitted text is not affected by this ordinance)*

2-156-445. Limitation of contributing to candidates and elected officials.

(a) No person who has done business with the city, or with the Chicago Transit Authority, Board of Education, Chicago Park District, Chicago City Colleges, Chicago Housing Authority, Chicago Public Building Commission, or Metropolitan Pier and Exposition Authority within the preceding four reporting years or who is seeking to do business with the City, or with any of the other aforementioned entities, and no lobbyist ~~registered with the board of ethics~~ shall make contributions in an aggregate amount exceeding \$1,500.00: (i) to any candidate for city office during a reporting year; or (ii) to an elected official of the government of the city during any reporting year of the official's term; or (iii) during a reporting year, to any official or employee of the city who is seeking election to any other office; provided that no lobbyist or person in which a lobbyist has an ownership interest of more than 1% shall make a direct or in-kind contribution in any amount to the Mayor or to the Mayor's authorized political committee, or to any candidate for Mayor or that candidate's authorized political committee. For purposes of this section all contributions to a candidate's authorized political committees shall be considered contributions to the candidate. A reporting year shall be from January 1st to December 31st. For purposes of this subsection only "seeking to do business" means: (i) the definition set forth in Section 2-156-010(x); or (ii) any matter that was pending before the City Council or any City Council committee in the six months prior to the date of the contribution or any matter that will be pending before the City Council or any City Council committee in the six months after the date of the contribution, if that matter involved the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(b) For purposes of subsection (a) above, an entity and its subsidiaries, parent company, or otherwise affiliated ~~companies~~ entities, and any of their ~~employees,~~ officers, directors, and partners, ~~or owners of 1% or more, or any of their spouses or domestic partners, who make a political contribution, for which are reimbursed by the entity or its affiliates~~ shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner ~~of such an entity or its affiliated entities~~ from making a political contribution for which he the employee is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under subsection (a) the entity or its affiliated companies, provided the employee is not also an officer, member, director, partner, or owner of 1% or more of the entity or any of its affiliated entities. For purposes of this section, entities are affiliated if either: (1) the entities have significant common purposes and substantial common membership; or (2) one directly or indirectly controls or has the power to control the other; or (3) if a third person controls or has the power to control both entities. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; or common use of employees.

*(Omitted text is not affected by this ordinance)*

(d) Any person who solicits, accepts, offers or makes a financial contribution that violates the limits set forth in this section shall be subject to the penalty provided in Article VII of this Chapter; provided, however, such person shall not be deemed in violation of this section if such person returns or requests in writing the return of such financial contribution within 10 calendar days of the recipient's or contributor's knowledge of the violation; provided, however, that any lobbyist or person in which a lobbyist has an ownership interest of more than 1% that makes a contribution to the Mayor or the Mayor's authorized political committee, or to any candidate for Mayor or that candidate's authorized political committee, shall be subject to fines as provided in Article VII of this chapter, regardless whether the contribution was returned or a request to return it was made for the first violation after this provision becomes effective, and shall have their lobbyist registration suspended for 90 calendar days for any subsequent violation of this provision. (as amended, eff. 9-10-14).

**SECTION 2.** This ordinance shall take effect ten days after passage and publication.

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Matthew J. Martin  
Alderman, 47<sup>th</sup> Ward