



BOARD OF ETHICS  
CITY OF CHICAGO

**ADVISORY OPINION**

Date: December 14, 2018

Re: Case No. 18038.A.2, City-owned Property, Prohibited Political Activity

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**Executive Summary**

This Board of Ethics Advisory Opinion addresses the question of whether aldermen may provide government-related or constituent services from a “political” or campaign office.

After extensive research and careful consideration, the Board advises:

- As a “best practice,” if a constituent asks an alderman about constituent, City or other governmental services while in their political office, the alderman should: (i) clarify that they are in the political office (and not in their City ward office); (ii) state that he or she can provide only informal advice (to avoid the appearance of an official City action); and (iii) once the issue or their informal advice becomes more substantive, refer the constituent back to the official City office or handle the matter in a non-political, non-City-owned location, like a coffee shop, restaurant, etc.
- An alderman may provide general information about City services while attending a political event, but, to avoid giving the impression of performing official City or aldermanic action while there, should refer the constituent to the appropriate official City office for handling.

**I. Providing Government-Related Services in a “Political” or Campaign Office.**

**A. Background**

At the Board’s budget hearing on October 30, 2018, several aldermen [REDACTED] raised questions about the extent to which, if at all, they or their staff could provide constituent or other official government services while they are at or in their political or campaign offices. More specifically, they posed this question: if a constituent enters their political office (as opposed to their ward office) and asks about a City service (*e.g.*, how do I get a tree planted? have my sidewalk repaired?), can they answer the question there or must they refer the constituent to their ward office?

**B. In a Political/Campaign Office**

This is a matter of first impression for the Board. In researching this issue, we found no definitive body of law, policy, written guidance, or cases explicitly prohibiting elected officials from providing government services while at their political office. Instead, the guidance that is available<sup>1</sup> addresses the “obverse” issue of whether an elected official (like an alderman or staffer at the ward office) could address a politically related question, *e.g.*, how should I vote?, in a City or ward office. It is clear, as we have long advised, that aldermen and their staffers cannot engage in “political activity” (as defined in §2-156-010(v-1)) with visitors to the ward office, that is, discuss who to vote for or express support or disdain for particular candidates, but that they may give out general information such as where to vote, and assist walk-ins in completing voter registration forms while on City time or using City resources.<sup>2</sup>

Nonetheless, one of the purposes of the Ordinance is to ensure that elected City officials and City employees do not misuse City resources for political or non-City purposes, and to ensure that there is no confusion between what is “political” and what is “official City action.”<sup>3</sup> Accordingly, when aldermen are in “campaign/electioneering mode,” or at their political office, the danger of confusion exists.

Therefore, we recommend that, as a “best practice,” if a constituent asks an alderman about a City or other governmental service while in their political office, the alderman: (i) clarify they are in the political office (and not in their City ward office); (ii) state that he or she can provide only informal advice (to avoid the appearance of an official City action); and (iii) once the matter or their informal advice becomes more substantive, they should refer the constituent back to the official City office, or continue the conversation at a neutral location, like a coffee shop or restaurant. This practice is consistent with the advice we regularly give to aldermen and their staffers about handling situations where constituents ask politically-related questions at the City office.<sup>4</sup> The goal is to always avoid creating the impression that the political office or the alderman’s candidacy is endorsed by the City. An alderman should use common sense in distinguishing when a “simple” question becomes substantive.

**C. At a Political Event**

The question of whether an alderman can provide City-related services while in a political office raises another, related question: can an alderman answer constituent-related questions about City

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<sup>1</sup> The House Ethics Rules has issued guidance entitled, “General Prohibition Against Using Official Resources for Campaign or Political Purposes.” See, House Ethics Manual, Chapter 4. In addition, staff reached out to other ethics offices and spoke with its cohorts at the Los Angeles City Ethics Commission, who confirmed they have given informal guidance consistent with this opinion.

<sup>2</sup> See Case 12015.Q, [https://www.cityofchicago.org/content/dam/city/depts/ethics/general/AO\\_PolActvty/12051Q.pdf](https://www.cityofchicago.org/content/dam/city/depts/ethics/general/AO_PolActvty/12051Q.pdf) and this Board publication: <https://www.cityofchicago.org/content/dam/city/depts/ethics/general/Publications/FAQ-PolActy.pdf>

<sup>3</sup> The “basic principle [is] that government funds should not be spent to help incumbents gain reelection.” See *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983); see also House of Representatives Ethics Manual, 110<sup>th</sup> Congress, 2d Session, at 123 (2008).

<sup>4</sup> *E.g.*, should a constituent or other person walk into (or call) a City office and ask how they can make a political or campaign contribution, we have always advised that the alderman or staffer say “this is an official City office; to make a political contribution, please call 773-555-5555, or visit ‘Friends of AldermanX.com’”; and further, that, should political contributions arrive in the mail at a City office, they can be delivered by City employees or officials to the correct office, but not on City compensated time.

services while at a political event? Consistent with our advice above in I.B, an alderman may provide general information about City services while at a political event, but to avoid giving the impression of performing official action while at a political event, refer the constituent to the official City office for additional information or handling. For example, if a constituent attending a political event asks whether the City can install a speed bump on his block, the alderman can respond generally that it is a service the City provides and then refer the constituent to the ward office for further information. To delve into the matter any further would lead to a substantive discussion, which could create confusion and a perception that the political event is also a City event, or that City services should first be sought or discussed at political events or are tied to political contributions.<sup>5</sup>

## **II. Conclusion**

The Board's conclusions, outlined in the Executive Summary at the beginning of this opinion, are based only on the application of the Ethics Ordinance to the situations and facts described in it. Other laws and/or regulations may apply.



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William F. Conlon  
Board Chair

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<sup>5</sup> We note here that, at a political event, or at an event an alderman or other elected official attends in his or her official City capacity, many business cards will be collected. It is, similarly, best practice for elected officials to carefully segregate cards or contact information received at political events from those received at events the official attends in an official capacity, and not to share contact information received at "City" events with political mailing lists. Our colleagues at the New York City Conflicts of Interests Board recently advised the same thing. See Advisory Opinion 2017-4 (2017): <https://www1.nyc.gov/assets/coib/downloads/pdf5/aos/2017/AO2017-4.pdf>