



BOARD OF ETHICS  
CITY OF CHICAGO

ADVISORY OPINION, Case No. 18032.A

CONCERNING THE USE OF CITY HALL AND OTHER CITY-OWNED SPACES FOR EVENTS  
WITH POLITICAL CONTENT

The Board of Ethics has received inquiries about and read media accounts covering press conferences held in City Hall and other City-owned property (such as the Cultural Center or Chicago Public Library facilities) by candidates for City elected office. At these conferences, election banners are displayed, and candidates or their representatives talk about their positions on various issues of interest to the electorate.

The City's Government Ethics Ordinance (the "Ordinance") imposes strict limitations on these events. To clarify the "dos" and don'ts" – and because we anticipate that these events will continue until the February 2019 Consolidated Municipal Election – the Board issues this advisory opinion pursuant to our authority under §§2-156-380(f) and (l) of the Ordinance.<sup>1</sup>

In short, any person or candidate may, without violating the Ordinance, engage in this type of political activity in City Hall or other City-owned property,<sup>2</sup> provided the person or candidate: (i) duly reserves or books the space through the appropriate City authority<sup>3</sup> and pays fair market value for the particular space (which could be zero); and (ii) there is no intentional solicitation, acceptance, offer, or making of political contributions on City property. Our explanation follows.

First, we determine that holding or staging a press conference or other event at which the organizers or persons standing at the dais hold up or display political signs and announce their positions on current issues constitutes engaging in what the Ordinance includes as [prohibited] political activity.<sup>4</sup>

Second, §2-156-135(a) of the Ordinance, entitled "Prohibited political activities," prohibits City employees from "intentionally perform[ing] any prohibited political activity" during any "compensated time."<sup>5</sup> Candidates for elected office who are not City employees are not subject to this prohibition. Moreover, the clear implication of this provision is that City employees *may* "intentionally perform" "prohibited political activity" provided it is *not* on compensated time, and otherwise comports with the

<sup>1</sup> The full Ordinance is posted on our website here:

<https://www.cityofchicago.org/content/dam/city/depts/ethics/general/Ordinances/GEO-FebMarch2018.docx>

<sup>2</sup> This is subject to specific departmental rules. For example, the Chicago Police Department may have rules prohibiting this type of activity at Public Safety Headquarters.

<sup>3</sup> For example, the Board has been advised that the elevator lobby space on the second floor of City Hall can be reserved through the Sergeant-at-Arms of the City Council, and that Chicago Public Library space is available for this purpose as a "private event."

<sup>4</sup> §2-156-010(v-1) (1) defines "prohibited political activity," and includes "participating in any political meeting, political rally, political demonstration, or other political event." When a candidate or someone speaking for a candidate holds up a campaign sign and/or announces what the candidate stands for and positions or opinions on current issues, in a way reasonably understood to be seeking votes, this makes the event a "political event."

<sup>5</sup> "Compensated time" is defined in §2-156-010(e-3) of the Ordinance.

requirements of §§2-156-135 and -140 of the Ordinance (the latter section entitled “Solicitation or acceptance of political contributions and membership on political fundraising committees”).

Third, §2-156-135(b) of the Ordinance prohibits any City employee or official from intentionally misappropriating any City property or resources in connection with any “prohibited political activity”; *provided, however, that any official or employee may reserve and rent a city-owned facility at a fair market value before any such activity or event connected therewith.* [Emphasis added] That is, the prohibition on engaging “prohibited political activity” in or on City property is not absolute, even for City officials or employees. As a general matter, the Ordinance does not prohibit City officials or employees – and thereby anyone – from “renting out” City property, such as City Hall, the Cultural Center, Chicago Public Library facilities, etc. and then engaging in permitted political activity.<sup>6</sup>

Fourth, however, the second numbered section of the definition of “prohibited political activity,” §2-156-010(v-1)(2), prohibits City officials or employees from “soliciting contributions, including not limited to purchasing, selling distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.” Critically, this prohibition is then repeated in its own stand-alone section, §2-156-425. But, in -425, the prohibition covers a much broader swath of persons. It provides that no “public official, City employee, candidate for an elective office, lobbyist, officer, employee, or agent of any political organization shall intentionally solicit, accept, offer or make contributions on city property.” In contrast to 135(b), **§2-156-425 constitutes an absolute prohibition.**

Thus, in conclusion: a person may engage in what would otherwise be considered “prohibited political activity” in City Hall – including hosting the types of news conferences with political signage and content that the media have reported on – provided he or she duly reserves the space and pays fair market value for it (this may be zero or no charge), **but, under no circumstances can there be intentional solicitation, acceptance, offer, or making of political contributions.**

The Board urges persons wishing to hold such political events in City Hall or other buildings to first check with the department that operates within that building (such as the Chicago Public Library or Department of Cultural Affairs or Special Events) regarding whether space can be leased out or used for these political purposes, and then to contact the Board of Ethics to ensure compliance with relevant laws and rules.



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William F. Conlon, Chair  
October 19, 2018

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<sup>6</sup> The language of the Ordinance is that “a City employee or official” may rent out the space. We determine here that this implies that *anyone* may do so, because only City employees and officials are subject to the prohibition in the first clause of -135(b) in the first place. Moreover, we do *not* read this language to *require* that the City rent out for this purpose all or particular spaces it owns. Which specific property or space the City may or may not designate as available for this purpose is beyond the purview of the Ordinance or the Board.