

Chicago's Government Ethics and Campaign Financing ("Pay-to-Play")

Laws:

A Plain English Guide for Businesses with or Seeking City Contracts



Chicago's Governmental Ethics Ordinance, Chapter 2-156 of **Chicago's Municipal Code**, restricts persons and business entities doing** or seeking to do business** with the City in their interactions with City employees, officials or candidates for City elected office. This Guide summarizes them.

Note: This Guide is an overview intended to help businesses understand Chicago's Governmental Ethics Ordinance. To the extent it differs from the Ordinance, the Ordinance controls.

For authoritative guidance about specific situations, please request a confidential advisory opinion from the Board of Ethics. Advisory opinions may be relied upon in the event of investigation, as provided in the Ordinance.



Other City and state laws apply to persons or businesses doing or seeking to do business with the City, including but not limited to the requirement to file Economic Disclosure Statements (Chapter 2-154 of Chicago's Municipal Code), the City's False Claims and Statements Ordinance (Chapter 1-21-010 et seq. of Chicago's Municipal Code), Chicago's Procurement Code, and the State of Illinois's Procurement Code.

For more information, please contact the City's Department of Law or Department of Procurement Services.

** These are defined terms. Definitions are in the City's Governmental Ethics Ordinance (Chapter 2-156 of the Municipal Code of Chicago).

Gifts to City Personnel, Candidates or Higher-Tier Contractors**



No person, including a City contractor, potential contractor, or lobbyist**, may:**

→ give any anonymous gift to any City official, employee or candidate for City elected office; or

→ give or offer anything of value to any City official, employee, contractor** or candidate for City elected office **based on an explicit or implicit mutual understanding** that the recipient's votes, official actions, decisions or judgments concerning City business would be influenced by it; or

→ give **any cash or gift cards in any amount**, to any City employee, official or candidate for City elected office, or

→ give **any other items or services worth \$50 or more per year**, directly or indirectly to any City employee or official or candidate for City elected office.

Note: these restrictions apply to gifts or other things offered or given to spouses, domestic partners or other immediate family members of City employees, official, or candidates for City elected office.

There are **limited exceptions**, including gifts based on personal friendship, reasonable hosting expenses (like food or entertainment) for events related to official City business, or educational materials or City-related business travel. Please contact the Board of Ethics for guidance on specific situations. City personnel must report the receipt of educational, reasonable hosting or travel expenses related to their official responsibilities, and lobbyists must report all lobbying expenditures or gifts given to City employees or officials.

Also note: City departments may adopt stricter rules, such as a gift ban for their personnel.

No City **subcontractor**, or any person acting on a subcontractor's behalf, **may make any payment, gratuity, or offer of employment in connection with any City contract, to any prime or higher-tier contractor****, or any individual associated with them, as an inducement for the award of a subcontract or order. This prohibition is in every City contract and solicitation therefor.

Prohibited Political Contributions



No person, including a City contractor, potential contractor**, or lobbyist**, shall give or offer any anonymous contribution or any contribution other than in the name of the true donor (any “pseudonymous contribution”), to:**

→ any candidate for City elected office or the candidate’s political committee;

→ any candidate’s spouse, domestic partner or minor child; or

→ any person acting on behalf of the candidate or his/her committees

No person shall give or offer any political contribution to any candidate for City elected office (or the candidate’s political committee) based on an explicit or implicit mutual understanding that the recipient’s votes, official actions, decisions or judgments concerning City business would be influenced by it.

No person shall make any cash contributions in excess of \$250 to any candidate for City elected office. (Note: personal checks or credit card charges are not considered cash.)

By Mayoral Executive Order, **City contractors, subcontractors and their owners, owners’ spouses or domestic partners, and their registered lobbyists, are prohibited from making any political contributions to the Mayor or her political fundraising committee.** (Note: the Executive Orders define “contractor” differently from the Governmental Ethics Ordinance.)

Annual Limits on Certain Contributors

Certain persons or business entities are limited to \$1,500 in political contributions in a calendar year to any City elected official, candidate for City elected office, or City employee or official seeking election to any other office (or any of their political committees).

These persons or business entities are:

→ lobbyists** registered with the Board of Ethics; or

→ persons who have done business** or are doing business** with the City or its sister agencies (the Chicago Transit Authority, Chicago Park District, Chicago Board of Education, Chicago City Colleges, or Metropolitan Pier & Exposition Authority) in the preceding four calendar years; or

→ persons seeking to do business** with the City or its sister agencies

Note: Contributions to a candidate’s authorized political committees are considered contributions to the candidate.

Note also: An entity and its subsidiaries, parent or otherwise affiliated companies, are considered the same “person” for purposes of this contribution limitation.

However, any of their employees, officers, directors and partners who make a political contribution are considered the same “person” as the business entity only if they are reimbursed by the entity or its affiliates.

Additional restrictions on contributions are imposed by state law (the Illinois Election Code, 10 ILCS 5/ *et seq.*), as amended. Consultation with qualified counsel is recommended. See: <http://www.elections.state.il.us/>



Loans to City Employees and Officials

No City elected official or employee (or their spouse or domestic partner), or any entity in which any of them have a financial interest,** may apply for, solicit, accept or receive any loan from any person doing business** or seeking to do business** with the City. Note: this does not prohibit market rate loans from financial lending institutions, if negotiated at arm’s length and made in the ordinary course of the lender’s business.



Hiring Current City Personnel

→ City officials or employees (or their spouses, domestic partners or immediate family members) cannot solicit or accept anything of value (including money, gifts, favors, services, or promises of future employment) in return for advice or assistance on matters concerning City business;

→ City employees or elected officials cannot have a financial interest** (meaning an ownership interest) in their own name or in the name of another in any City contract, work or business, if the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or authorized by City ordinance.



Hiring Former City Personnel (the “Revolving Door”)



→ Former City employees or officials may not, for one year after leaving City service, assist or represent any person – like a new employer or client – on a transaction involving the City, if they were personally and substantially involved in the subject matter of that transaction in City service;

→ Former employees or officials who exercised contract management authority** on City contracts may not assist or represent any person – like a new employer or client – on those contracts, for the contracts’ entire terms;

→ Former employees or officials who were counsel of record or who personally and substantially involved in a judicial or quasi-judicial proceeding involving the City may not assist or represent any person other than the City – like a new employer or client – in that proceeding;

→ City employees or officials may not negotiate the possibility of future employment with any person that has a matter currently pending before them;

→ Former Mayoral staff members or Department Heads may not lobby** the City for 2 years after leaving City service;

→ Former aldermen may not lobby the City for 1 year after leaving City office

→ Former appointed officials or executive branch Shakman-exempt employees may not lobby their former board or department for 2 years after leaving City service.



Hiring Lobbyists**

→ **What is a lobbyist**?** A lobbyist** is any individual who, on behalf of any person other than her- or himself, or as any part of her or his duties as an another’s employee, among other things, any legislative** or administrative** action, such as: i) a zoning matter; ii) the preparation of contract specifications; iii) the solicitation, award or administration of a contract; iv) the award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or v) any other determination made by an elected or appointed City official or employee of the City with respect to the procurement of goods, services or construction.

There are exceptions. Please contact the Board of Ethics for advice on specific situations.

→ **Lobbyists** must register and report.** Lobbyists** must register with the Board of Ethics by filing lobbyist registration statements by each January 20th, or within five business days of first engaging in lobbying activities, and must amend their registrations to show material changes. They must file quarterly reports of their lobbying activity, including disclosing their lobbying compensation and expenditures from and for each client, and all gifts or political contributions they made to City employees, officials or candidates for City elected office.

For most lobbyists**, the annual fee is \$350 per lobbyist and \$75 for each client after the first. The Board can waive fees for certain non-profit organizations. Please contact the Board for more information on lobbyist fee waivers.

All lobbyists’** filings must be completed through the Board’s internet-based system, or “[ELF](#).”

→ **Lobbyist** Training.** Lobbyists must complete annual ethics training, which covers ethics and campaign contribution laws, and sexual harassment.

→ **Penalties.** Persons who hire unregistered lobbyists are subject to fines between \$500 and \$2,000. Lobbyists are subject to severe daily fines for failing to timely register or file activity reports. Contracts or other actions entered into or made by the City can be cancelled or voided if they result from unregistered lobbying activity.

Business relationships with City Elected Officials or Department Heads Prohibited

City elected officials and department heads may not retain or hire as City contractors** any person with whom any City elected official has any business relationship that creates a financial interest** on the part of the elected official or department head, or their spouses or domestic partners.



Duty to Report Misconduct

Every City contractor** must report to the City's Inspector General information concerning conduct known to involve unlawful or "corrupt activity." Knowing failure to report such activity constitutes an event of default under a City contract.

("Corrupt activity" means having been convicted or in custody, under parole or under any other non-custodial supervision resulting from a conviction for commission of a felony, or of a criminal offense of whatever degree, involving bribery, or attempted bribery, or its equivalent, of any public officer or employee of the City or any sister agency; or theft, fraud, forgery, perjury, dishonesty or deceit, or attempted theft, fraud, forgery, perjury, dishonesty or deceit, or its equivalent, against the City of Chicago or any sister agency; or conspiring to engage in any of those acts.)

Penalties

→ All City contracts must include a provision requiring compliance with the Governmental Ethics Ordinance;

→ Contracts negotiated, entered into, or performed in violation of the Ordinance are voidable as to the City;

→ Permits, licenses, rulings, determinations or other official actions of a City agency applied for, sought, obtained or undertaken in violation of the Ordinance are invalid and without any force or effect whatsoever;

→ Employees who violate the Ordinance are subject to fines and employment sanctions, including discharge;

→ Officials who violate the Ordinance are subject to removal from office;

→ Persons who violate the Ordinance's gift restrictions are subject to fines between \$1,001 and \$5,000 for each violation;

→ Persons who knowingly make, solicit or accept a political contribution in violation of the Ordinance are subject to fines between \$1,000 and up to the higher of \$5,000 or three times the amount of an improper contribution;

→ Persons who violate any other provision of this chapter are subject to a fine between \$500 and \$2,000 for each offense.

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