BOARD OF ETHICS
CITY OF CHICAGO

October 13, 2020

Good morning, Madame Chair, Mr. Vice Chair, all the Honorable members of the Committee on Ethics and Government Oversight, and other Council members present. It is my honor and privilege to appear before you and explain the effect of the law passed unanimously by the City Council that prohibits "cross-lobbying" before City government by elected officials from either the Illinois General Assembly or any "unit of local government" in the State, as well as the various substitute proposals placed before you.

At the outset, I can state that the law passed 10 months ago by the full City Council is robust and historic—there simply are no other jurisdictions in the United States – let alone in Illinois – that prohibit both their own officials and employees from lobbying on behalf of private clients anywhere, *and also* prohibit elected officials from other jurisdictions from lobbying before itself on behalf of private clients. You passed that law in light of ongoing federal probes into lobbyist-legislators at various levels of government. There is a strong argument that lobbying by legislators on behalf of private clients presents an inherent conflict of interest, and Chicago has, once and for all, eliminated that inherent conflict. Should you determine to let that law stand, Chicago can claim "bragging rights" as having passed the boldest law of its type in the country.

Let me also clarify that the term "unit of local government" comes directly from Article VII, Section 1 of the Illinois constitution. It explicitly excludes "school districts." Thus, elected members of Local School Councils are not elected officials of "units of local government" and are not covered by this ban, nor are elected members of local school boards. And the law as passed also includes exemptions for attorneys representing clients as attorneys, and elected officials representing their constituents as elected officials.

Nonetheless, there is some human cost to this law. That cost has given rise to the substitute ordinance placed before you. We are all well aware that certain elected officials would need to make a choice if they have a thriving lobbying practice before the City on behalf of private clients: give up that lucrative lobbying practice, or give up their elected seat in the body to which they were elected. We know of only one such individual registered with us today. The law as passed would in no way prohibit that individual from lobbying on behalf these or other private clients before the General Assembly or any government entity in the state other than the City of Chicago, nor would it prohibit him or others similarly situated from serving on local school councils, boards of education, or in appointed positions in any such unit of local government. But we at the Board understand that registered lobbyists or those who would wish to be both lobbyists and elected officials must make that choice.

In other words, put before you is the choice to make Chicago the boldest jurisdiction in the United States when it comes to cross-lobbying, or to pass a law that would allow it where the jurisdiction that elected the lobbyist has no current contractual or legislative dealings with the City. This is a choice that only you, the members of the committee, are authorized to make. Rest assured that the Board of Ethics will administer and enforce the law as you, the legislators, pass it.

I welcome your questions.

Respectfully,

Steven I. Berlin,
Executive Director