

CHAPTER 32  
GOVERNMENTAL ETHICS

ORDINANCE

75-001	Campaign Disclosure	01.14.75
77-002	Disclosure of Contributions & Expenditures	01.18.77
82-038	Amending Chapter 32, Article 1, Disclosure of Campaign Contributions and Expenditures in its entirety	07.13.82
99-069	Gift Ban	07.22.99
04-069	Amending Article 2 (Ethics)	05.18.04

**CHAPTER 32 -- GOVERNMENTAL ETHICS**

		<u>Page</u>
<b><u>ARTICLE 1</u></b>	<b><u>-- DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES</u></b>	
Sec. 32-101	DEFINITIONS	32-1
32-102	OFFICERS--VACANCIES--CONTRIBUTIONS AND EXPENDITURES	32-3
32-103	STATEMENT OF ORGANIZATION--FILING	32-4
32-104	CONTENTS OF STATEMENT OF ORGANIZATION	32-4
32-105	CHANGES IN STATEMENT OF ORGANIZATION--FINAL REPORT UPON DISSOLUTION--REFUND OF CONTRIBUTIONS	32-6
32-106	ACCOUNTING FOR CONTRIBUTIONS	32-6
32-107	TREASURER'S ACCOUNT OF CONTRIBUTIONS--PRESERVATION	32-6
32-108	SOLICITING, RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES WITHOUT AUTHORITY OF CANDIDATE--NOTICE	32-7
32-109	NOTICE ON ALL LITERATURE AND ADVERTISEMENTS SOLICITING FUNDS	32-7
32-110	REPORTS OF CAMPAIGN CONTRIBUTIONS--ANNUAL REPORT--PRESERVATION	32-7
32-111	CONTENTS OF REPORTS	32-8
32-112	FORM OF REPORTS	32-9
32-113	DISCLOSURE IN ANNUAL REPORTS	32-10
32-114	FORM OF ANNUAL REPORT	32-11
32-115	DUTIES OF VILLAGE CLERK AND FINANCE DIRECTOR	32-14
32-116	DUTIES OF VILLAGE CLERK	32-14
32-117	PUBLIC EXAMINATION AND COPYING OF STATEMENTS AND REPORTS--VIOLATIONS	32-15
32-118	ANONYMOUS CONTRIBUTIONS OR IN NAME OF ANOTHER PROHIBITED	32-15
32-119	FINE	32-15
32-120	SUBMISSION OF CERTIFIED COPIES OF STATE FILINGS PERMITTED	32-16
<b><u>ARTICLE 2</u></b>	<b><u>- ETHICS.</u></b>	
Sec. 32-201	DEFINITIONS	32-17
32-202	PROHIBITED POLITICAL ACTIVITIES	32-20
32-203	GIFT BAN	32-21
32-204	ETHICS ADVISOR	32-23
32-205	ETHICS COMMISSION	32-23
32-206	COMPLAINTS/HEARINGS	32-24
32-207	PENALTIES	32-26

CHAPTER 32 -- GOVERNMENTAL ETHICS

ARTICLE-1 --DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

Section 32-101. DEFINITIONS. As used in this Article, unless the context otherwise requires, the terms defined in this section have the respective meanings as defined hereinafter:

(A) "Business day" means any day other than Saturday, Sunday, or legal holiday.

(B) "Candidate" means any person who seeks nomination for election, or election, to public office, whether or not such person is elected. A person seeks nomination for election, or election, if he (1) takes the action necessary under the laws of Illinois to attempt to qualify for nomination for election, or election, to such office, or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or makes expenditures with a view to bringing about his nomination for election, or election, to such office.

(C) "Contribution" means:

(1) A gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election, or election, of any person to public office, or in connection with any question of public policy;

(2) The purchase of tickets for fund raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, or election, of any person to public office, or in connection with any question of public policy;

(3) A transfer of funds between political committees;

(4) The services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but

(5) Does not include:

(a) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual in rendering voluntary personal services on the

individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period; or

(b) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(D) "Expenditure" means:

(1) A payment, distribution, purchase, loan, advance, deposit or gift of money or anything of value, in connection with the nomination for election, or election, of any person to public office or in connection with any question of public policy. However, expenditure does not include:

(a) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period; or

(b) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

(2) A transfer of funds between political committees.

(E) "Person" or "whoever" means an individual, trust, partnership, committee, association, corporation, or any other organization or group of persons.

(F) "Political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which:

(1) Accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$1,000 on behalf of or in opposition to a candidate or candidates for public office;

- (2) Accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$1,000 in support of or in opposition to any question of public policy to be submitted to the electors of the Village of Bolingbrook; or
- (3) Accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding \$1,000 and has as its primary purpose the furtherance of governmental, political or social values, is organized on a not-for-profit basis, and which publicly endorses or publicly opposes a candidate or candidates for public office.

(G) "Political committee" does not include any candidate who does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$1,000, nor does it include any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which does not accept contributions or make expenditures during any 12-month period in an aggregate amount exceeding \$1,000 on behalf of or in opposition to a candidate or candidates or to any question of public policy to be submitted to the electors of the Village of Bolingbrook, and such candidates and persons shall not be required to comply with any filing provisions in this Article 1.

(H) "Public office" means the Village President, Member of the Board of Trustees, and Village Clerk of the Village of Bolingbrook.

(I) "Public official" means any person who is elected or appointed to public office.

(J) Anything of value includes all things, services, or goods, regardless of whether they may be valued in monetary terms according to ascertainable market value. Anything of value which does not have an ascertainable market value may be reported by describing the thing, services or goods contributed.

**Section 32-102. OFFICERS--VACANCIES--CONTRIBUTIONS AND EXPENDITURES.**

(A) Every political committee shall designate a chairman and a treasurer. The same person may serve as both chairman and treasurer of any political committee. A candidate who administers his own campaign contributions and expenditures shall be deemed a political committee for purposes of this Article 1 and shall designate himself as chairman, treasurer, or both chairman and treasurer of such political committee. The treasurer of a political committee shall be responsible for keeping the records and filing the statements and reports required by this Article 1.

(B) No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

**Section 32-103. STATEMENT OF ORGANIZATION--FILING.** Every political committee shall file with the Village Clerk of the Village of Bolingbrook a statement of organization within 30 days of the creation of such committee. The statement of organization shall include:

(A) The name and address of the political committee;

(B) The scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee;

(C) The name, address, and position of each custodian of the committee's books and accounts;

(D) The name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any;

(E) A statement whether the committee is a continuing one;

(F) A statement of what specific disposition of residual fund will be made in the event of the dissolution or termination of the committee;

(G) A listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee; and

(H) The amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization.

**Section 32-104. CONTENTS OF STATEMENT OF ORGANIZATION.** The statement of organization required by this Article to be filed with the Village Clerk shall be verified, dated, and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made, and shall contain substantially the following:

STATEMENT OF ORGANIZATION

(A) Name and address of the political committee:

(B) Scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee:

(C) Name, address, and position of each custodian of the committee's books and accounts:

(D) Name, address, and position of the committee's principal officers, including the chairman, treasurer, and officers and members of its finance committee, if any: \_\_\_\_\_

(E) A statement whether the committee is a continuing one:

(F) A statement of what specific disposition of residual funds will be made in the event of the dissolution or termination of the committee: \_\_\_\_\_

(G) A listing of all banks or other financial institutions, safety deposit boxes, and any other repositories or custodians of funds used by the committee:

(H) The amount of funds available for campaign expenditures as of the filing date of the committee's statement of organization: \_\_\_\_\_

VERIFICATION:

I declare that this statement of organization (including any accompanying schedules and statement) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of organization as required by Article 1 of Chapter 32 of the Municipal Code of the Village of Bolingbrook. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$500.

\_\_\_\_\_  
(date of filing)

\_\_\_\_\_  
(signature of person making the statement)

**Section 32-105. CHANGES IN STATEMENT OF ORGANIZATION--FINAL REPORT UPON DISSOLUTION--REFUND OF CONTRIBUTIONS.**

(A) Any change in information previously submitted in a statement of organization except for information submitted under Section 32-104(H) herein shall be reported to the Village Clerk within 10 days following such change.

(B) Any political committee which, after having filed a statement of organization, dissolves as a political committee or determines that it will no longer receive any campaign contributions nor make any campaign expenditures shall notify the Village Clerk of that fact and file with the Village Clerk a final report with respect to its contributions and expenditures, including the final disposition of its funds.

(C) In the event that a political committee dissolves, all contributions in its possession, after payment of the committee's outstanding liabilities, including staff salaries, shall be refunded to the contributors in amounts not exceeding their individual contributions, or transferred to other political or charitable organizations consistent with the positions of the committee or the candidates it represented. In no case shall these funds be used for the personal aggrandizement of any committee member or campaign worker.

**Section 32-106. ACCOUNTING FOR CONTRIBUTIONS.**

(A) Every person who received a contribution in excess of \$20 for a political committee shall, on demand of the treasurer, and in any event within 5 days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which it was received.

(B) All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

**Section 32-107. TREASURER'S ACCOUNT OF CONTRIBUTIONS--PRESERVATION.**

(A) The treasurer of a political committee shall keep a detailed and exact account of:

- (1) The total of all contributions made to or for the committee;
- (2) The full name and mailing address of every person making a contribution in excess of \$20 and the date and amount thereof;
- (3) The total of all expenditures made by or on behalf of the committee;

- (4) The full name and mailing address of every person to whom any expenditure in excess of \$20 is made, and the date and amount thereof;
- (5) Proof of payment, stating the particulars, for every expenditure in excess of \$20 made by or on behalf of the committee.

(B) The treasurer shall preserve all records and accounts required by this section for a period of 2 years.

**Section 32-108. SOLICITING, RECEIVING CONTRIBUTIONS OR MAKING EXPENDITURES WITHOUT AUTHORITY OF CANDIDATE--NOTICE.** Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published and following all commercials broadcast, in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

**Section 32-109. NOTICE OF ALL LITERATURE AND ADVERTISEMENTS SOLICITING FUNDS.** Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice: "A copy of our report filed with the Village Clerk of the Village of Bolingbrook is (or will be) available for purchase from the office of the Village Clerk, Village Hall, Bolingbrook, Illinois."

**Section 32-110. REPORTS OF CAMPAIGN CONTRIBUTIONS--ANNUAL REPORT--PRESERVATION.**

(A) The treasurer of every political committee shall file with the Village Clerk reports of campaign contributions and annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the Village Clerk.

(B) Reports of campaign contributions shall be filed no later than the 15th day next preceding and the 90th day next following each election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures. Such reports shall be complete as of the 30th day next preceding and the 60th day next following each election, respectively, except that any contribution of \$500 or more received in the interim between the last date of the period covered by the last report filed prior to the election and the date of the election shall be reported within 2 business days after its receipt.

(C) In addition to such reports, the treasurer of every political committee shall file an annual report of campaign contributions and expenditures during the month of July, no later than July 31, covering the period from July 1 of the preceding calendar year through June 30 of the year in which such annual report is compiled.

(D) A copy of each report or statement filed under this Article shall be preserved by the person filing it for a period of two years from

the date of filing.

**Section 32-111. CONTENTS OF REPORTS.** Each report of campaign contributions under Section 32-110 shall disclose:

- (A) The name and address of the political committee;
- (B) The scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee;
- (C) The amount of funds on hand at the beginning of the reporting period;
- (D) The full name and mailing address of each person who has made one or more contributions to or for such committee within the previous 12 months in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions;
- (E) The total sum of individual contributions made to or for such committee during the reporting period and not reported under item (D);
- (F) The name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers;
- (G) Each loan to or from any person within the previous 12 months by or to such committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;
- (H) The total amount of proceeds received by such committee from (1) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (2) mass collections made at such events; and (3) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;
- (I) Each contribution, rebate, refund, or other receipt in excess of \$150 received by such committee not otherwise listed under items (D) through (H);

(J) The total sum of all receipts by or for such committee or candidate during the reporting period.

The reports of campaign contributions filed under this Article shall be cumulative during the fiscal year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

**Section 32-112. FORM OF REPORTS.** Each report of campaign contributions required by Section 32-110 of this Article to be filed with the Village Clerk shall be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made, and shall contain substantially the following:

REPORT OF CAMPAIGN CONTRIBUTIONS

(A) Name and address of the political committee:

(B) Scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee:

---

---

---

(C) The date of the beginning of the reporting period, and the amount of funds on hand at the beginning of the reporting period:

(D) The full name and mailing address of each person who has made one or more contributions to or for the committee within the previous 12 months in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions:

---

(E) The total sum of individual contributions made to or for the committee during the reporting period and not reported under item (D):

---

(F) The name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers:

Name	Address	Amount	Date
------	---------	--------	------

(G) Each loan to or from any person within the previous 12 months by or to the committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans:

---

---

(H) The total amount of proceeds received by the committee from (1) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (2) mass collections made at such events; and (3) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials:

- (1)
- (2)
- (3)

(I) Each contribution, rebate, refund, or other receipt in excess of \$150, received by the committee not otherwise listed under items (D) through (H): \_\_\_\_\_

(J) The total sum of all receipts by or for the committee during the reporting period:

VERIFICATION:

I declare that this report of campaign contributions (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete report as required by Article 1 of Chapter 32 of the Municipal Code of the Village of Bolingbrook. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$500.

(date of filing)

(signature of person making the report)

**Section 32-113. DISCLOSURE IN ANNUAL REPORTS.** Each annual report of campaign contributions and expenditures under Section 32-110 shall disclose:

(A) The name and address of the political committee;

(B) The scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee;

(C) The amount of funds on hand at the beginning of the reporting period;

(D) The full name and mailing address of each person who has made one or more contributions to or for such committee within the previous 12 months in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions;

(E) The total sum of individual contributions made to or for such committee during the reporting period and not reported under item (D);

(F) The name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers;

(G) Each loan to or from any person within the previous 12 months by or to such committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(H) The total amount of proceeds received by such committee from (1) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (2) mass collections made at such events; and (3) sales of items, such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(I) Each contribution, rebate, refund, or other receipt in excess of \$150 received by such committee not otherwise listed under items (D) through (H);

(J) The total sum of all receipts by or for such committee or candidate during the reporting period;

(K) The full name and mailing address of each person to whom expenditures have been made by such committee or candidate within the previous 12 months in an aggregate amount or value in excess of \$150, the amount, the date, and purpose of each such expenditure and the question of public policy or the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(L) The full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$150 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(M) The total sum of expenditures made by such committee during the reporting period;

(N) The full name and mailing address of each person to whom the committee owes debts or obligations in excess of \$150, and the amount of such debts or obligations.

**Section 32-114. FORM OF ANNUAL REPORT.** Each annual report of campaign contributions and expenditures required by Section 32-110 of this Article to be filed with the Village Clerk shall be verified, dated, and signed by either the treasurer of the political committee making the report or the candidate on whose behalf the report is made, and shall

contain substantially the following:

ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

(A) Name and address of the political committee:

(B) Scope, area of activity, party affiliation, candidate affiliation, and purposes of the political committee:

(C) The date of the beginning of the reporting period, and the amount of funds on hand at the beginning of the reporting period:

(D) The full name and mailing address of each person who has made one or more contributions to or for the committee within the previous 12 months in an aggregate amount or value in excess of \$150, together with the amount and date of such contributions:

---

(E) The total sum of individual contributions made to or for the committee during the reporting period and not reported under item (D):

---

(F) The name and address of each political committee from which the reporting committee received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers:

---

---

(G) Each loan to or from any person within the previous 12 months by or to the committee in an aggregate amount or value in excess of \$150, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans:

Name	Address	Amount	Date
=====	_____	_____	_____
=====	_____	_____	_____

(H) The total amount of proceeds received by the committee from (1) the sale of tickets for each dinner, luncheon, cocktail party, rally, and other fund-raising events; (2) mass collections made at such events; and (3) sales of items, such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials:

(1) \_\_\_\_\_  
(2) \_\_\_\_\_  
(3) \_\_\_\_\_

(I) Each contribution, rebate, refund, or other receipt in excess of \$150, received by the committee not otherwise listed under items (D) through (H):

Name	Address	Amount	Date
_____	_____	_____	_____
_____	_____	_____	_____

(J) The total sum of all receipts by or for the committee during the reporting period:

(K) The full name and mailing address of each person to whom expenditures have been made by the committee within the previous 12 months in an aggregate amount or value in excess of \$150, the amount, date, and purpose of each such expenditure, and the question of public policy or the name and address of, and office sought by, each candidate on whose behalf the expenditure was made:

Name	Address	Amount	Date	Purpose	Beneficiary
=====	_____	_____	_____	_____	_____
=====	_____	_____	_____	_____	_____

(L) The full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$150 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure:

Name	Address	Amount	Date	Purpose
=====	_____	_____	_____	_____
=====	_____	_____	_____	_____

(M) The total sum of expenditures made by the committee during the reporting period: \_\_\_\_\_

(N) The full name and mailing address of each person to whom the committee owes debts or obligations in excess of \$150 and the amount of such debts or obligations: \_\_\_\_\_

VERIFICATION:

I declare that this annual report of campaign contributions (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete report as required by Article 1 of Chapter 32 of the Municipal Code of the Village of Bolingbrook. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$500.

\_\_\_\_\_  
(date of filing)

\_\_\_\_\_  
(signature of person making the report)

**Section 32-115. DUTIES OF VILLAGE CLERK AND FINANCE DIRECTOR.**

(A) It shall be the duty of the Village Clerk to develop prescribed forms for notice to political committees of their obligations under this Article 1 and for identification of persons examining statements or reports filed under this Article 1 and to supply such forms, and the forms for filing statements of organization, reports of campaign contributions, and annual reports of campaign contributions and expenditures to the appropriate persons and election authorities;

(B) It shall be the duty of the Village Finance Director to prepare, publish, and furnish to the appropriate persons and election authorities a manual of instructions setting forth recommended uniform methods of bookkeeping and reporting under this Article 1;

(C) It shall be the duty of the Village Clerk to prescribe suitable rules and regulations to carry out the provisions of this Article 1. Such rules and regulations shall be published and made available to the public at reasonable cost; and

(D) It shall be the duty of the Village Clerk to send by certified mail (delivered to addressee only, return receipt requested) as soon as practicable, to each candidate for public office in each general municipal election notice of their obligations under this Article 1, along with a form for filing the statement of organization, a form for filing a report of campaign contributions, and a manual of instructions.

**Section 32-116. DUTIES OF VILLAGE CLERK.**

(A) To make the reports and statements filed with her available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or at cost by duplicating machine, as requested by any person, at the expense of such person;

(B) To preserve such reports and statements for a period of 2 years from the date of receipt;

(C) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Article 1;

(D) To compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(E) To prepare and publish such reports as the Village Clerk or Board of Trustees may deem appropriate;

(F) To report apparent violations of law to the appropriate law enforcement authorities; and

(G) To send by certified mail (delivered to addressee only, return receipt requested) 30 days before each filing date for reports of campaign contributions and expenditures, to each political committee that has filed a statement of organization with the Village Clerk, as the case may be, notice of its obligations under this Article 1, along with a form for filing the report and a manual of instructions.

**Section 32-117. PUBLIC EXAMINATION AND COPYING OF STATEMENTS AND REPORTS--VIOLATIONS.**

(A) All statements and reports filed under this Article 1 with the Village Clerk shall be available for examination and copying by the public at all reasonable times. Such person examining a statement or report must first fill out a form prepared by the Village Clerk identifying the examiner by name, occupation, address and telephone number, and listing the date of examination and reasons for such examination.

(B) The Village Clerk shall promptly notify each political committee required to file a statement or report under this Article 1 of each instance of an examination of its statement or report by sending it a duplicate original of the identification form filled out by the person examining its report.

**Section 32-118. ANONYMOUS CONTRIBUTIONS OR IN NAME OF ANOTHER PROHIBITED.** No person shall make an anonymous contribution or a contribution in the name of another person, and no person shall knowingly accept any anonymous contribution or contribution made by one person in the name of another person. Anonymous contributions shall escheat to the State of Illinois. Any political committee that receives such a contribution shall forward it immediately to the State Treasurer.

**Section 32-119. FINE.** Willful failure to file or willful filing of false or incomplete information required by this Article 1 shall be punishable by a fine of not to exceed \$500 for each offense.

**Section 32-120. SUBMISSION OF CERTIFIED COPIES OF STATE FILINGS PERMITTED.** Notwithstanding any other provisions herein to the contrary, this Article 1 is intended to incorporate pertinent provisions of the campaign disclosure statutes of the State of Illinois, Ill.Rev.Stat. ch. 46, art. 9. Consequently, submission to the Village Clerk of a certified copy of each filing required by the State will constitute compliance with all requirements for filing pursuant to this Article 1.

**ARTICLE 2 -- ETHICS**

**Section 32-201.** **DEFINITIONS:** As used in this Article, the following words and phrases shall have the meanings ascribed to them herein (*any questions pertaining to this Section or the interpretation of this Section may be addressed to the Ethics Advisor established by this Article*):

- (A) "Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- (B) "Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or a regular election, as defined in Section 9.1-3 of the Election Code (10 ILCS 5/9-1.3), which states in part that a person seeks nomination for election or retention if he (1) takes the action necessary under the laws of Illinois to attempt to qualify for nomination for election, election to or retention in public office or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination for election or election to or retention in public office.
- (C) "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3), which states in part that collective bargaining means bargaining over terms and conditions of employment, including hours, wages and other conditions of employment.
- (D) "Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

- (E) "Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.
- (F) "Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), which Section states in part that contribution means (1) a gift, subscription, donation, dues, loan, advance, or deposit of money or anything of value, knowingly received in connection with the nomination for election, or election, of any person to public office or in connection with any question of public policy; (2) the purchase of tickets for fund-raising events, including but not limited to dinners, luncheons, cocktail parties, and rallies made in connection with the nomination for election, or election, of any person to public office in connection with any question of public policy; (3) a transfer of funds between political committees; and (4) the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; but does not include (a) the use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period; (b) the sale of any food or beverage by a vendor for use in a candidate's campaign a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.
- (G) "Employee" means a person employed by the Village of Bolingbrook, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.
- (H) "Employer" means the Village of Bolingbrook.
- (I) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an Officer or employee.
- (J) "Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit toward pension benefits, and (iii) health insurance benefits paid for by the employer.
- (K) "Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the

officer is compensated for service in his or her official capacity.

- (L) "Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.
- (M) "Political organization" means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
- (N) "Prohibited political activity" means:
  - (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
  - (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund raiser, political meeting, or other political event.
  - (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
  - (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  - (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
  - (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
  - (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
  - (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
  - (10) Preparing or reviewing responses to candidate questionnaires.
  - (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
  - (12) Campaigning for any elective office or for or against any referendum question.
  - (13) Managing or working on a campaign for elective office or for or against any referendum question.
  - (14) Serving as a delegate, alternate, or proxy to a political party convention.
  - (15) Participating in any recount or challenge to the outcome of any election.
- (0) "Prohibited source" means any person or entity who:
- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
  - (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing the employee;
  - (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
  - (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

**Section 32-202. PROHIBITED POLITICAL ACTIVITIES.** *(Any questions pertaining to this Section or the interpretation of and compliance with this Section may be addressed to the Ethics Advisor established by this Article.)*

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or

resources of the Village in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**Section 32-203. GIFT BAN.** *(Any questions pertaining to this Section or the interpretation of and compliance with this Section may be addressed to the Ethics Advisor established by this Article.)*

(A) Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

(B) Exceptions. Section 32-203(A) is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the

Election Code or (ii) activities associated with a fund-raising event in support of a political organization or candidate.

- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or

enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

- (10) Intragovernmental and intergovernmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

(C) Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes responsible action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**Section 32-204. ETHICS ADVISOR.**

(A) The Mayor, with the advice and consent of the Board of Trustees, shall designate an Ethics Advisor for the Village. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village unless the position has been created as an office by the Village.

(B) The Ethics Advisor shall provide guidance to the officers and employees of the Village concerning the interpretation of and compliance with the provisions of this Article and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

**Section 32-205. ETHICS COMMISSION.**

(A) There is hereby created a commission to be known as the Ethics Commission of the Village of Bolingbrook. The Commission shall be comprised of the Mayor, the Village Clerk and the most senior Trustee. In the event of a conflict of interest, the remaining Trustees, in order of seniority, shall serve as alternate Commissioners.

(B) The Commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 32-206 of this Article and refer violations of Section 32-202 or 32-203 of this Article to the Village Prosecutor for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.
- (3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.
- (4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- (5) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

**Section 32-206. COMPLAINTS/HEARINGS.** *(Any questions pertaining to this Section or the interpretation of and compliance with this Section may be addressed to the Ethics Advisor established by this Article.)*

(A) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.

(B) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three (3) business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(C) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to

the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven (7) business days after receiving the complaint.

(D) If the complaint is deemed sufficient to allege a violation of Section 32-203 of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven (7) business days after receiving the complaint.

(E) If the complaint is deemed sufficient to allege a violation of Section 32-202 of this Article, then the Commission shall notify in writing the Village Prosecutor and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(F) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(G) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the officer having authority to discipline the officer or employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(H) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven (7) business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven (7) days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the officer having authority to discipline the officer or employee or impose a fine upon the violator, or both.

(I) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under Subsection (G) within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(J) The Commission may fine any person who intentionally violates

any provision of Section 32-203 of this Article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.

(K) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

**Section 32-207. PENALTIES.** *(Any questions pertaining to this Section or the interpretation of and compliance with this Section may be addressed to the Ethics Advisor established by this Article.)*

(A) A person who intentionally violates any provision of Section 32-202 of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(B) A person who intentionally violates any provision of Section 32-203 of this Article is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(D) A violation of Section 32-202 of this Article shall be prosecuted as a criminal offense by the Village Prosecutor by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(E) A violation of Section 32-203 of this Article may be prosecuted as a quasi-criminal offense by the Village Prosecutor, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(F) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 32-202 or 32-203 of this Article is subject to discipline or discharge.