

DO'S AND DON'TS FOR CITY EMPLOYEES AND OFFICIALS REGARDING AN UPCOMING CITY WARD REMAP REFERENDUM

As the City of Chicago approaches a likely referendum on the Ward remap issue, the Board of Ethics reminds City officials and employees that there are restrictions on what they can and cannot do with City resources or funds in preparing for or taking sides in such a referendum. This guide summarizes these restrictions. To put it simply: one **may** use City property and resources to urge one's colleagues to vote for or against a particular remap proposal while it's in Council (which could avert a referendum), but may **not** urge colleagues, constituents or others to vote a particular way *in a referendum*.

Obviously, ward remap referenda happen infrequently, and the City's ethics laws have changed since the last time Chicago had one. Our goal is to advise all City officials and employees of the relevant restrictions on a going-forward basis to avert ethics violations. As with all guides published by the Board of Ethics, this one is not intended to cover all situations, and does not constitute binding legal advice. We urge you to contact the Board of Ethics with specific questions, so we can advise you confidentially.

Working on referenda falls into the definition of "prohibited political activity" in the City's Governmental Ethics Ordinance ("the Ethics Ordinance"). This does not mean that City employees and officials cannot do work with respect to any upcoming referendum, but it does mean they cannot do it with City resources or on City time. The restrictions are similar to those imposed with respect to working on upcoming elections or campaigns to elect particular persons to office.



Specifically, §2-156-010 (v-1) of the Ethics Ordinance defines the term "prohibited political activity" to include, among other things:

--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.

--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.

--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.

--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.

--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.

--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.

--Campaigning for any elective office or for or against any referendum question.

--Managing or working on a campaign for elective office or for or against any referendum question.

While City employees and officials **may** engage in the activities listed above, per §2-156-135 of the Ethics Ordinance, **they may not:**

--intentionally perform any of these activities during any compensated or City work time.

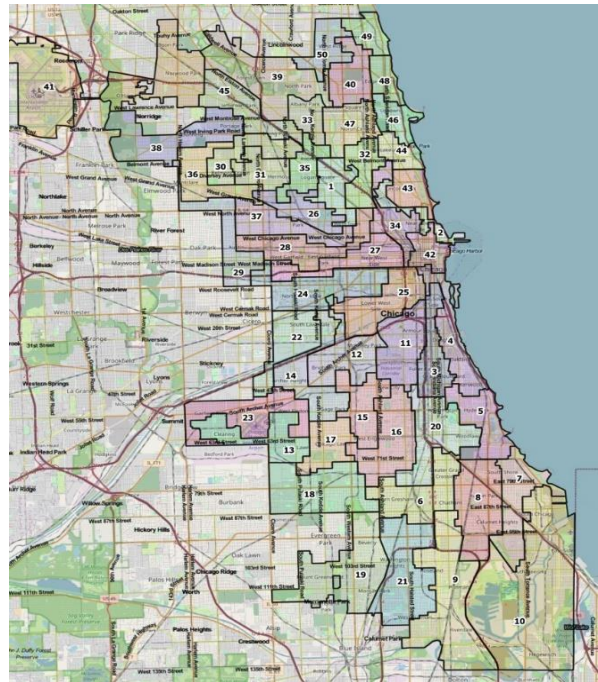
--intentionally misappropriate any City property or resources of the City in connection with any prohibited political activity, including work on referenda.

--intentionally misappropriate the services of any other officer or City employee by requiring them to perform any prohibited political activity: (i) as part of the other's duties; (ii) as a condition of employment; or (iii) during any compensated time off.

FAQ

Q: City employees cannot perform any "prohibited political activity" (including the activities listed above) during any "City compensated time." What is "compensated time?"

A: As defined in §2-156-010(e-3), it means any time you're at or doing your City job, or time for which you're credited for any minimum City work time requirement. It does not include City holidays (like Memorial or Labor Day) or time on which you're on an approved leave, like furlough, vacation, lunch, or personal days. You cannot ever use (or be on or in) City property or resources, including your City title, time, equipment, funds, etc. while engaging in or performing any political activities, like those listed above, even during vacation, furlough, or lunch.



Q: Can City Council members advocate for or against a particular proposed ward remap on their political or personal website?

A: Yes. But they may **not** urge persons to vote for or against any particular proposal in a referendum on their official aldermanic City website, or in any newsletter or other publication that is funded in whole or in part with City funds.

Q: May City Council members explain why they support a particular ward remap on their political, personal or official aldermanic City website?

A: While the City Council is still considering ward remap proposals to avoid a referendum, Council members may state that they support a particular proposed remap on any website, newsletter, or social media page, but they **may not advocate for or against** any particular proposed remap in a referendum **except** on their personal or political website, newsletter, or social media pages—not on official City websites, newsletters, or social media pages.

Q: May City Council members publish the text or image of a proposed remap, with its official title or sponsors, on their political, personal or official websites, newsletters, or social media pages?

A: City Council members may publish the text of remap proposals with their title, if any, and their proponent(s), whether other Council members or not, on their official aldermanic City websites, newsletters, or social media pages. But they may urge persons to vote for or against particular proposals in a referendum **only** on or in their personal or political websites, newsletters, or social media pages.

Q: What if a constituent calls our Ward Office and asks which proposed remap we support in a referendum? How should we handle that?

A: To be safe, we advise you to take the caller's name and number and then have someone who is not on City time or doing their City job call them back with this information. Were you to answer "I support the X map in a referendum," the next question would likely be "Why?" but answering that would involve advocacy, which is prohibited while on City time or on City property.

Q: What about discussions of the ward remap issue generally or of a particular proposed remap on the City Council Floor, or in City Council Committee meetings? Is that prohibited?

A: Discussion in support of or against particular remap proposals while in Committee meetings or full Council meetings is **not** prohibited if the goal to garner support for such remaps to avoid a referendum. But ***urging others to vote a particular way in a referendum is prohibited while on City property or using City resources***. For example, City Council members may explain, in Committee or full City Council meetings, why they support a particular remap proposal if the proposal is part of legislation the Council is considering in an agenda item, or comment on such proposals immediately prior to or after such meetings on the Council floor or antechamber area. However, they may **not** advocate, during such meetings, or before or after them, or on the floor or in the antechamber area, that persons should vote for or against a particular remap proposal in a referendum. They may do *that* in *only* in or on their political newsletters or political or personal (non-official) social media pages.

FOR MORE INFORMATION
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