



**BOARD OF ETHICS**  
**CITY OF CHICAGO**


To the Mayor and the Members of the City Council:

On behalf of a unanimous Board of Ethics, and pursuant to our power and duty to recommend legislative action we deem appropriate to effect the policy of Chicago's Governmental Ethics Ordinance, I write this open letter to City elected officials to urge passage of an ordinance that would close a serious gap in the enforcement structure of our municipal campaign contribution laws.

Campaign contribution laws have rightly received much attention from the federal courts, good government groups, and the media. In fact, Chicago has for decades had laws and Mayoral Executive Orders on the books that strictly limit the amounts that certain persons (lobbyists, contractors, and others) may contribute to City elected officials and candidates for City elected office or their political committees. Recently, in part at this Board's urging, the City enacted changes in the law. These changes provide for the Board to impose severe penalties: fines of three times the amount of illegal contributions shall be assessed against both contributors and recipient elected officials' or candidates' committees. But these laws need active enforcement. For 26 years, the Board of Ethics did this: regularly initiating and wrapping up investigations involving illegal contributions to City elected officials and candidates. However, based on the recommendations of the Mayoral Ethics Reform Task Force, the Governmental Ethics Ordinance was last Summer amended—rightly, in our judgment—to transform the Board into an adjudicative body that no longer conducts investigations, thereby maintaining an important safeguard: a separation between investigative and adjudicative functions. The investigative mantle has passed to both City Inspectors General.

Yet a problem remains: the Office of the Legislative Inspector General has the authority to investigate only matters in which it has received signed and sworn complaints. Many years of investigating campaign contribution matters have taught us that properly enforcing these laws is a pro-active business—it requires that investigators be able to comb through contribution and other government records and then initiate investigations, not sit and wait for such complaints to come in. The Board of Ethics previously had that ability, and we used it. The City Inspector General has that authority, and, we have every reason to believe, will use it. But the Legislative Inspector does not under current law. This means that, for 50 of the 53 elected City offices, there is no effective enforcement mechanism for our municipal campaign financing laws. Unless this void is fixed legislatively, Chicago will head into a municipal election year with no oversight of contributions made to incumbent aldermen or their challengers. We believe that such a situation would run counter to the intent of the Ethics Ordinance, the Ethics Reform Task Force, and ultimately to interests of the City itself.

Several ordinances have been introduced to fill this enforcement vacuum. We urge passage of a law consistent with the rest of Chicago's ethics enforcement structure, namely, one that allows the Legislative Inspector General to initiate campaign financing investigations, and then, as with all other ethics investigations, present findings and evidence (which the subject can challenge) to the Board of Ethics for settlement or adjudication. As the adjudicator, the Board of Ethics can no longer be in the investigation business. But potential campaign contribution violations still must be investigated. Any legislation that would effectively return to the Board of Ethics the responsibility to investigate these violations would run counter to the Ethics Reform Task Force's intent—and indeed to the intent of very changes enacted by the City Council. The Office of the Legislative Inspector General needs to be able to investigate effectively both for the Board to do our job, which is to ensure fairness and due process in adjudicating these and all the other cases that come before us, and for the public to have confidence in the ethics enforcement system that the City has recently instituted.

  
Stephen W. Beard  
Chair, Board of Ethics