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C O N F I D E N T I A L

November 26, 1990

City of Chicago
Richard M. Daley, Mayor

[REDACTED]

Board of Ethics

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Executive Director

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Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

Re: Case No. 90066.A

Dear [REDACTED]

[REDACTED] you wrote to the Board of Ethics to ask whether the [REDACTED] general and [REDACTED] run-off aldermanic elections are considered in the same way as primary and general elections with regard to the \$1,500 limit on contributions from persons doing business with City. The Board concluded they are not.

Section 2-164-040(a) of the Campaign Financing Ordinance (prior code § 26.3-4(a)) states:

(a) No person who has done business with the City within the preceding four reporting years or is seeking to do business with the City shall make contributions in an aggregate amount exceeding \$1,500 (i) to any candidate for City office during a single candidacy; or (ii) to any elected official of the government of the City during any reporting year of his term; or to any official or employee of the City who is seeking election to any other office. For purposes of this section, (i) candidacy in primary and general elections shall be considered separate and distinct candidacies; and (ii) all contributions to a candidate's authorized political committees shall be considered contributions to the candidate. The combined effect of these provisions is intended to permit total contributions up to but not exceeding \$3,000 in a reporting year in which a candidacy occurs. A reporting year is from July 1 to June 30. The first filing date will be July 30, 1988 and annually thereafter.



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First, the contribution limit applies not just to persons doing business with the City but to any person who has done business with the City within the preceding four years or is currently seeking to do business with the City. Section 2-156-010(h) (prior code § 26.2-1(h)) of the Governmental Ethics Ordinance defines "doing business" as "any one or any combination of sales, purchases, leases or contracts to, from or with the City or any City agency in an amount in excess of \$10,000 in any twelve consecutive months." Subsection (x) of that same section defines "seeking to do business" as "(1) taking any action within the past 6 months to obtain a contract or business from the City when, if such action were successful, it would result in the person's doing business with the City; and (2) the contract or business sought has not been awarded to any person."

In addition, the \$1,500 limit for contributions for elected officials applies to the reporting year rather than the calendar year. A reporting year is defined as July 1 to June 30. If there is a primary and a general election in the same reporting year, then the \$1,500 limitation applies separately to each election, allowing for a total of \$3,000 in that reporting year.

Turning to your question regarding run-off elections for aldermen, these are neither primary elections nor separate general elections. Therefore, according to the plain words of the Ordinance, as well as the intent of its drafters whom we consulted, run-off elections do not qualify for an additional \$1,500 in contributions.

Based on the language of the Ordinance and the intent of the drafters of the Ordinance, the Board decided that aldermanic run-off elections are not considered separate elections, as are primary or general elections, for purposes of the contribution limit in the Campaign Financing Ordinance. Therefore, the limit on contributions made by persons doing or seeking to do business with the City to aldermanic candidates is \$1,500, even if there is a run-off.

Thank you for your inquiry. We enclose a sheet which sets forth the Board's procedural rules after it renders a decision. If you have any questions, please feel free to contact us.

Very Truly Yours,


Albert Hofeld
Chairman

enclosure:90066.L

cc: Kelly Welsh, Corporation Counsel
City of Chicago

NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based upon the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.