

**EXECUTIVE ORDER BANNING POLITICAL SOLICITATION OF FINANCIAL CONTRIBUTIONS
FROM STATE EMPLOYEES
AND
PROHIBITING STATE EMPLOYEES FROM SOLICITING FINANCIAL CONTRIBUTIONS FOR THE
GOVERNOR'S CAMPAIGN FINANCE COMMITTEE**

WHEREAS, in 1957 the Illinois General Assembly enacted the State Employees Political Activities Act, 5 ILCS 320, et seq., which provides a broad prohibition against state employees, during regular working hours, participating in political meetings, soliciting moneys from any person for political purposes, or selling or distributing tickets for a political purpose. The Act does not apply to those employees' activities outside regular working hours; and

WHEREAS, in 1977 Governor James R. Thompson issued executive Order 4 which prohibits (1) directors and other appointed officers under the jurisdiction of the Governor from soliciting campaign contributions from employees of their agencies and entities doing business with or regulated by such agency and (2) any state officer or employee under the jurisdiction of the Governor from promising anything of value, including jobs, salary increases or preferred treatment of any kind whatsoever, in return for a political contribution; and

WHEREAS, in 1998 the Illinois General Assembly enacted the State Gift Ban Act, 5 ILCS 425, et seq., which took effect on January 1, 1999, barring among other practices, any state employee or public official's face-to-face solicitation or acceptance of political contributions on state property, except leased sites used for a candidate's fundraising event; and

WHEREAS, the United States Supreme Court has recognized the existence of strong and compelling governmental interests in upholding limitations on political contributions as long as the prohibitions are narrowly drawn to achieve the important and legitimate purposes they are intended to address and First Amendment rights of freedom of expression and association are not unnecessarily adversely impacted by the prohibition. That Court has also long held that federal and state governments have a right to impose reasonable restrictions on the political activities of public employees in the interests of the maintaining the efficient operation of government programs and services, and

WHEREAS, I, George H. Ryan, declare that the State has a compelling interest in eliminating even the mere appearance of a conflict of interest, undue influence or potential impropriety which may arise when political contributions are solicited from individuals who are employed by a public official on whose behalf or for whose benefit the solicitation is being made; and

WHEREAS, I, George H. Ryan, further declare that the State has a compelling interest in eliminating even the mere appearance of a conflict of interest, undue influence or any impropriety which may result from State employees, who are charged with efficiently and impartially carrying out the duties and responsibilities of public employment, engaging in any solicitation of financial contributions for the campaign committee of the Governor, and

WHEREAS, it is the purpose and intent of this Executive Order to require the expeditious development and implementation of personnel policies by the Office of the Governor and all agencies, boards and commissions under the jurisdiction of the Governor that will ensure that (1) no state employee will be asked to make a financial contribution to the political campaign committee organized for the benefit of the Governor and (2) no State officer or employee may solicit financial contributions for said political campaign committee, and

WHEREAS, to assist in the successful and effective implementation of this important public policy initiative, I have directed my political campaign committee, Citizens for “George H. Ryan,” to make every good faith effort to avoid soliciting financial contributions from State employees under my jurisdiction and to return any such contributions which may be inadvertently received, and

THEREFORE I, George H. Ryan, order that the Office of the Governor and all agencies, boards and commissions under my jurisdiction (hereafter referred to as “agency” or “agencies”) shall develop and implement personnel policies by February 16, 1999, consistent with the highest standards of governmental ethics, establishing an absolute ban against any officer or employee engaging in the solicitation of financial contributions for the Governor’s campaign finance committee, Citizens for “George H. Ryan,” whether on State property or off or whether during regular business hours or not, from any other State officer or employee, or any other individual, business, association or any other entity.

I further declare that, to avoid any appearance of undue influence and to promote public confidence in State government, it is the policy of this Administration that, not only shall no employee of any agency under my jurisdiction be requested to make a financial contribution to the Governor’s campaign finance committee, Citizens for “George H. Ryan,” but that all such employees shall be strongly encouraged to refrain from making even unsolicited financial contributions to such Committee.

I further order more specifically the following:

1. Each Director or other agency head shall adopt and cause to be issued to each employee of such agency the following personnel policy:

In order to avoid the appearance of conflict of interest or undue influence and to foster public confidence in State government and in the fair and equal execution of the laws of this State, Governor George H. Ryan has directed his political campaign committee, Citizens for “George H. Ryan,” to refrain from soliciting financial contributions from employees of agencies under the jurisdiction of the Governor and to return any such contributions which may be inadvertently received.

Additionally, in furtherance of these important State interests, no officer or employee of this agency may engage in any solicitation of financial contributions, whether during regular working hours or not and whether or not on state property, for or on behalf of Citizens for “George H. Ryan.”

Any officer or employee who knowingly violates this policy or Executive Order 2(1999) will be subject to discipline up to and including suspension or discharge. Any violation of this policy or Executive Order committed by an officer or employee, who does so while purporting to represent the Governor or Citizens for “George H. Ryan,” shall be considered an aggravating factor in determining the appropriate level of discipline.

In furtherance of this important and compelling state policy, Governor George H. Ryan also declares that it is the policy of his Administration, not only that State employees be free of any solicitation of funds, including requests to purchase tickets for fund raising events, for Citizens for “George H. Ryan, but also that employees of this agency should refrain from making any financial contributions, whether solicited or unsolicited, to the Governor’s campaign finance committee, Citizens for “George H. Ryan”

2. Any State officer or employee who has knowledge of a violation of this Executive Order or the State agency personnel policy set forth in the foregoing paragraph is directed to report such alleged violation to his or her Director or other agency head and the Illinois State Police, Division of Internal Investigation, as provided in Administrative Order 1(1995), as hereafter amended.

3. Each Director or other agency head shall cause a copy of the personnel policy set forth in paragraph 1, hereof, to be distributed to each affected employee and each such employee shall sign a written acknowledgment of his or her receipt of the same. Copies of the required personnel policy, as adopted by each agency, shall be filed with the Index Division of the Secretary of State where they will be available for public inspection.

George H. Ryan
GOVERNOR

February 1, 1999