



Opportunities for Reforms and Culture Change in Illinois Politics

Can we reform state government? The answer is definitely yes.

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By Richard J. Winkel Jr., Kent D. Redfield, James D. Nowlan, Christopher Z. Mooney

The conviction of former Governor George Ryan and the arrest, impeachment, and removal from office of former Governor Rod Blagojevich plainly demonstrate the need to change the political culture of Illinois. This experience has resulted in calls for reform from the Illinois Reform Commission appointed by Governor Pat Quinn,¹ and coalitions of civic groups, such as CHANGE Illinois,² which have demanded enactment and enforcement of new ethics and campaign finance laws. Moreover, larger issues loom over what some have called Illinois' "culture of corruption."³

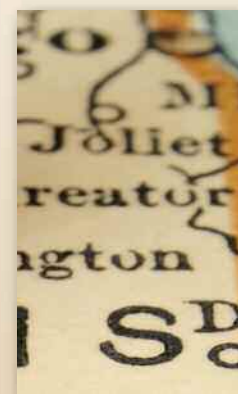
The University of Illinois Institute of Government and Public Affairs (IGPA) produced a report for the Illinois General Assembly, titled *Challenges and Opportunities on the Road to Reform in Illinois*, which was submitted to the General Assembly's Joint

Committee on Government Reform on March 31, 2009.⁴ We focused our recommendations for reform on campaign finance, redistricting, direct democracy (including referendum, initiative, and recall), term limits for governors and state legislators, and about changing our state's political culture.

In this chapter, we review the opportunities for reform in the context of legislative actions taken during the General Assembly's spring and fall veto sessions in 2009, and consideration of the future role of higher education in going beyond legislation in helping to change the political culture.

Campaign Finance Reform

The role of money in politics must be at the center of any discussion of reform. In



¹ Governor's Illinois Reform Commission, *100-Day Report* (April 28, 2009), page 53, in which the Commission expressed support for Senate Joint Resolution Constitutional Amendment 25. <http://www.reformillinoisnow.org/press%20releases/IRC%20100-Day%20Report%20-%20Final.pdf>.

² CHANGE Illinois, <http://www.changeil.org/node/2>.

³ See, for example, Jim Nowlan, *State needs a regularly updated 'integrity index'* (Champaign-Urbana, IL: The News-Gazette, November 29, 2009), where he asks, "Simply electing 'better people' to office in Illinois as a way of reducing corruption may not work if most of us are imbued somehow with a 'culture of corruption.' Are we?"; Patrick Collins, *Status quo won big in votes on reform* (Chicago: Chicago Sun-Times, June 7, 2009), who served as the chairperson of the Governor's Illinois Reform Commission, asked, "After the General Assembly's adjournment last month, an important question is being asked: In the wake of devastating pay-to-play scandals and a deeply ingrained culture of corruption, did lawmakers deliver meaningful ethics reform?"; Editorial, *State of corruption* (Chicago: Chicago Tribune, February 15, 2009), which announced, "Today's newspaper marks the launch – on the news pages and on the editorial page – of a Chicago Tribune campaign against the Illinois culture of political sleaze. ***Survey results in today's Tribune suggest that citizens see our state as shovel-ready for reform. ***We'll also need to reconsider, yes, our perverse pride in 'how it is here' – our sly boasts about corrupt officials as if they were latter-day Al Capones. We should quell that temptation by remembering how, a decade ago, crashes caused by truckers who had paid bribes for Illinois licenses killed nine innocents: Did people die so we could crack wise about our culture of corruption?"

⁴ Robert F. Rich, et al., *Challenges and Opportunities on the Road to Reform in Illinois* (Urbana: Institute of Government and Public Affairs, March 31, 2009). <http://igpa.uillinois.edu/system/files/documents/IGPA-GovernmentReform-2009.pdf>; <http://www.ilga.gov/joint/Documents.asp?HouseCommitteeID=786&SenateCommitteeID=787&Description=Joint%20Committee%20on%20Government%20Reform>.



Over the last 30 years, there have been several regulatory approaches introduced at the federal and state levels of government, but Illinois has remained one of the least-regulated states in the nation.

the United States, Congress and state legislatures can regulate contributions through measures designed to reduce corruption or the appearance of corruption. One of the primary reasons for these regulations is to increase public confidence in the outcome of elections. Over the last 30 years, there have been several regulatory approaches introduced at the federal and state levels of government, but Illinois has remained one of the least-regulated states in the nation.

Until December 9, 2009, when Governor Pat Quinn signed Senate Bill 1466, Illinois had no contribution limits. Rather Illinois emphasized “sunshine laws” designed to maximize disclosure, reporting, and transparency of campaign contributions. Another approach to regulation would be to limit how much can be contributed and by whom, which would be based on the assumptions that sunshine would not provide sufficient self-regulation and that limits were necessary to constrain the negative impact of unlimited contributions. Another option would be public financing, where states could offer tax dollars as “grants” to candidates who have agreed to limit their fundraising and spending. Kent Redfield, in his chapter on

campaign finance in the 2009 IGPA report, discussed these aspects of campaign finance and he closed with a discussion of the strengths and weaknesses of the various regulatory approaches.⁵

On the last day of the spring 2009 legislative session, the General Assembly’s initial effort at reform legislation resulted in the passage of House Bill 7.⁶ While the Governor’s Illinois Reform Commission⁷ opposed the legislation in committee, and some reform groups derided it as “phony reform.” Governor Quinn called the bill a “major step in the right direction” in his May 2009 committee testimony.⁸ Critics of House Bill 7 wanted stricter contribution limits and better enforcement, and they charged that the legislation did little more than protect the *status quo* in campaign finance. Because of the sustained political pushback, legislative leaders asked Governor Quinn to veto the bill, which he did on August 28.⁹

A coalition of campaign reform advocates engaged in negotiations with legislative leaders on a new ethics bill, which eventually became Senate Bill 1466.¹⁰ Some reform groups demanded that the new bill

⁵ *Ibid.*, pp. 7-16.

⁶ House Bill 7 (96th General Assembly). <http://www.ilga.gov/legislation/billstatus.asp?DocNum=7&GAID=10&GA=96&DocTypeID=HB&LegID=39855&SessionID=76>

⁷ Governor’s Illinois Reform Commission, <http://www.reformillinoisnow.org/>.

⁸ Bethany Jaeger, *Reform do-over* (Illinois Issues Blog, August 27, 2009), <http://illinoisissuesblog.blogspot.com/2009/08/reform-do-over.html>, relied on here as a source of analysis of House Bill 7.

⁹ *Ibid.*, which further noted that House Bill 7 would have established contributions limits of \$5,000 for individuals, \$10,000 for businesses and labor unions and \$90,000 for transfers from statewide political parties. Compare House Bill 7 with a bill sponsored by Senate Republican Leader Christine Radogno that would have established contribution limits similar to those set at the federal level: \$2,400 for individuals, \$5,000 for political committees, businesses, and unions, and \$30,000 for legislative leadership. Also compare another Democratic-sponsored bill, House Bill 24, which House Republicans supported, that would have also mirrored federal limits. House Republican Leader Tom Cross also wanted to address the idea of moving back the primary election date (now held in early February), allowing voters to recall elected officials, instituting special elections to fill vacant seats and reforming the redistricting process.

¹⁰ Senate Bill 1466 (96th General Assembly), now Public Act 96-0832. <http://www.ilga.gov/legislation/billstatus.asp?DocNum=1466&GAID=10&GA=96&DocTypeID=SB&LegID=43015&SessionID=76>

include a limitation on how much money political parties or caucus committees can give to candidates. An impasse in the negotiations proved irreconcilable,¹¹ and the new legislation passed both houses with a “compromise” to the limitation. The compromise limits the amount of money individuals, businesses, unions, associations, and political committees can donate to candidates in each election cycle. Legislative leaders and political parties, however, are only limited in the amount they can contribute to candidates in primary elections, not general elections.¹²

Nonetheless, the following graduated scale of limits would apply to contributions made to candidates under Senate Bill 1466: \$5,000 from individuals, \$10,000 from corporations, labor unions or associations, and \$50,000 from other candidates’ political committees. The legislation was sent to the governor on November 17, 2009 and he signed it on December 9, the first anniversary of the arrest of Governor Rod Blagojevich.¹³

SB 1466 also made a number of other significant changes. Disclosure will be dramatically increased with comprehensive reports required every three months rather than every six months and immediate disclosure of large contributions (\$1,000 or more) will be required year-round rather

than only during the 30 days before an election. Enforcement would also be strengthened, with the State Board of Elections able to conduct audits for cause and random audits of campaign committees for the first time, with increased penalties for violating reporting and disclosure requirements.

It is instructive to note, however, that the new law has an effective date of January 1, 2011, with certain exceptions that take effect on July 1, 2010.¹⁴ So the February 2010 primary was unaffected by it. Only the new reporting provisions, not the contribution limits, will be in effect for the November 2010 general election. The strategic nature and self-serving framework of the legislation is apparent.

Despite the apparent shortcomings of SB1466, the General Assembly also passed and the governor signed a number of bills that will improve transparency in government and make it more difficult for corruption to occur. These required the replacement of all of the members of the various state pension boards and addressed conflict of interest issues; strengthened safeguards in the state’s purchasing system and restored internal auditors within state agencies; and made significant changes to the state’s Freedom of Information Act.



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¹¹ Doug Finke, *Expecting landmark ethics legislation? Forget it* (The State Journal-Register, Statehouse Insider Blog, posted October 11, 2009); Rich Miller, *Madigan: “An impasse based on an irreconcilable difference”* (Capitol Fax.com Blog, posted October 8, 2009); *CHANGE Illinois! Says Campaign Contribution Limits Must Be Applied Fairly and Across-The-Board* (CHANGE Illinois: Press Release, October 8, 2009) <http://changeil.org/sites/default/files/PressRelease100809.pdf>

¹² Bethany Jaeger, *One more step in campaign finance reform* (Illinois Issues Blog, October 29, 2009) <http://illinoisissuesblog.blogspot.com/2009/10/one-more-step-in-campaign-finance.html>; and Bethany Jaeger, *Veto session wrap-up and goodbye* (Illinois Issues Blog, October 30, 2009), <http://illinoisissuesblog.blogspot.com/search/label/campaign%20finance>, relied on here as sources of analysis of Senate Bill 1466.

¹³ Senate Bill 1466.

¹⁴ Section 99, Senate Bill 1466 (96th General Assembly), <http://www.ilga.gov/legislation/96/SB/PDF/096005B14661.pdf> (“This Act takes effect on January 1, 2011, except that this Section and the changes in Section 5 to Sections 9-1.14, 9-1.15, 9-2, 9-3, 9-8.6, 9-28.5, and 9-40 of the Election Code take effect on July 1, 2010.”)



Because of the fallout from Governor Blagojevich's removal from office, citizens and policymakers in the state raised the cry for the ability to remove malfeasant officeholders by recall.

Direct Democracy

Another major part of any reform discussion is the role of referendum, initiative, and recall. In IGPA's March 2009 report to the General Assembly, Christopher Mooney observed that these institutions of "direct democracy" have advantages, but also that voters may not always be the best public policy makers.¹⁵ Since colonial times, various states and communities in this country have used referendum, initiative, and recall to give citizens a more direct role in policymaking and, just as important, to give them a feeling of efficacy in and control of government. Illinois's constitution gives citizens the power of initiative, but only in the weakest and most limited form.¹⁶ Because of the fallout from Governor Blagojevich's removal from office, citizens and policymakers in the state raised the cry for the ability to remove malfeasant officeholders by recall. Eighteen states allow for the recall of state officials, and while they have rarely used this extreme power, voters perceive it as a check on bad behavior of public officials.

In the 2009 fall veto session, both houses of the Illinois General Assembly adopted House Joint Resolution Constitutional Amendment 31 (HJRCA 31).¹⁷ This resolution places a "recall amendment" on the

general election ballot on November 2, 2010. This referendum gives voters the opportunity to put a recall provision in the Illinois Constitution. If approved by at least 60 percent of the vote, this constitutional amendment would empower Illinois citizens to recall the governor.

However, while HJRCA 31 seems to be an attempt of the General Assembly to give voters more control of state government, the legislation is structured so that, if adopted, its actual use would be unlikely. First, the proposal is limited to the governor, unlike any other state's recall provision. Second, the requirements to force a recall are far more onerous than in any other state. Advocates would first need to collect signatures numbering at least 15 percent of the votes cast in the previous gubernatorial election to trigger a recall election. While the signature requirement in itself is not out of line with requirements elsewhere, HJRCA 31 is most unusual in that recall advocates would also need to persuade 20 state representatives and 10 state senators from both political parties to agree to the recall proposal.¹⁸ This is hardly unfettered direct democracy. It is, in fact, quite in line with the extremely limited initiative process in Illinois. Unlike the other 23 initiative states, the Illinois Constitution says the content of citizen proposals "shall be limited to structural and procedural

¹⁵ Rich et al., pp. 22-29. In this chapter, Mooney outlines different types of referenda: legislative, popular, and advisory. He also discusses the "direct" and "indirect" initiative and recall of an elected official by voters, an idea that has received a lot of attention over the past couple of years in Illinois. Eighteen states have recall, but they have rarely used it. Mooney's chapter examines the impact of these direct democracy mechanisms, provides details of how they operate across all of the United States, and discusses their costs and benefits.

¹⁶ Shaun Bowler and Todd Donovan, "Measuring the Effect of Direct Democracy on State Policy: Not All Initiatives Are Created Equal," *State Politics and Policy Quarterly* 4(2004):345-363.

¹⁷ House Joint Resolution Constitutional Amendment 31 (96th General Assembly) <http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=76&GA=96&DocTypeId=HJRCA&DocNum=31&GAID=10&LegID=48161&SpecSess=&Session>.

¹⁸ Bethany Jaeger, *Veto session wrap-up and goodbye* (Illinois Issues Blog, October 30, 2009), <http://illinoisissues.blog.blogspot.com/search/label/campaign%20finance>, relied on here as a source of analysis of House Joint Resolution Constitutional Amendment 31.

subjects contained in Article IV," the Legislative Article. In the 40-year history of the current state constitution, voters have adopted only one such proposal—the 1980 Cutback Amendment.

Thus, while lawmakers perhaps opened the door to more citizen control of state government in 2009, they did not open it much. Clearly, Illinois policymakers continue to have very little faith in direct democracy mechanisms.

Term Limits for Governors and State Legislators

Another strategy often discussed for making government more accountable is the introduction of formal term limits – legally restricting the number of years that an official can hold a particular office. In the 2009 IGPA report to the General Assembly, Mooney provided a comprehensive review of term limits in the United States and reported that there has been very little research done on the impact of gubernatorial term limits.¹⁹ The focus has been on legislative term limits because of implications for seniority, innovation, and the overall public policy-making process. Fifteen states have state legislative term limits. Illinois is not one of these states.

Term limits have a clear and significant influence on a state legislature's composition. They increase turnover and limit the influence of senior members of a legislative chamber.

In the 1990s, 21 states adopted relatively severe limits on the number of terms their state legislators could serve; over the years, 37 states have also limited the terms of their governors. To what extent is limiting political terms a reform that could help to improve the culture of political corruption in Illinois? This is an open question. The Governor's Reform Commission considered recommending the introduction of formal term limits for state elected officials in Illinois, but, in the end, it recommended term limits for legislative leaders only.²⁰

Three term-limits bills were introduced in 2009 but never moved beyond the committee stage. Clearly, while term limits is a very popular institution with voters in Illinois and around the country, Illinois lawmakers do not consider it to be a good idea. The Prairie State remains one of only 12 states in the country that limit the terms of neither their legislators nor their governors.

Redistricting

While money and politics are at the heart of any discussion of reform, we must also consider the structure and performance of government. The process used to determine political boundaries in Illinois, known as redistricting, determines a major component of government structure. As part of the previously mentioned report, Jim Nowlan provided an overview of how congressional, state senate, and state house districts are drawn in the United States and Illinois, with several options for consideration.²¹



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¹⁹ Rich, et al., pp. 30-37. In this chapter, Mooney also provides a synthesis of what the research shows on the impact of term limits on legislative behavior. Finally, Mooney concludes that adopting legislative term limits would have a major impact on politics and policy in Illinois.

²⁰ Governor's Reform Commission 100-Day Report (April 28, 2009), page 53, in which the Commission expressed support for Senate Joint Resolution Constitutional Amendment 25.

²¹ Rich, et al., pp. 17-21. Nowlan's chapter provides a history of redistricting in Illinois, the approach we use, and alternative approaches employed in other states. Nowlan observes that Iowa is unique in that it has assigned the district map-drawing process to the Legislative Services Agency, the legislature's non-partisan bill drafting and research arm. He also provides an analysis of the strengths and weaknesses of the various redistricting options.



One of the basic principles behind the redistricting that occurs after each decennial census is that there should be substantially equal population in all districts and that all parts of a district must be contiguous and reasonably compact. Many states establish additional rules, such as requiring that districts respect the integrity of existing political or geographic entities to the extent possible. Illinois does not have any of these types of rules.

The redistricting process becomes controversial when legislatures draw districts to ensure the victory of one political party over another. The charge may then be made that the process was not fair and that it was politically motivated. Consequently, the disagreement about whether the prevailing side followed the rules, rather than whether the newly drawn districts provided voters with fair choices, generally would become the focus of the ensuing debate.

An important part of the redistricting process involves the drawing of new electoral districts every 10 years following the census. Notwithstanding the apparent intention of the framers of the Illinois Constitution that the process be a bipartisan effort of the legislature,²² redistricting has turned out to be the essential trench warfare of Illinois politics. The obvious cause is that a new legislative map sets legislative boundary lines for a full decade, putting the balance of political power between the two political parties at stake.²³

The constitution currently requires that a

commission of legislators and non-legislators that comprises four Democrats and four Republicans selected by the legislative leaders draw the new map. If this commission cannot reach agreement by August of the redistricting year, a ninth member is chosen to break the tie, as provided by the state constitution. The state Supreme Court submits the names of one Democrat and one Republican, and the secretary of state randomly selects one of them.²⁴ Not surprisingly, whoever wins the draw wins control of the redistricting process and usually the legislature for a decade.

While the legislative districts should be equal in population, compact, contiguous, and nondiscriminatory,²⁵ both parties in Illinois have more often than not used certain techniques to achieve partisan advantage in the redistricting process, such as packing opponents and their voting strength into as few districts as possible, thereby diluting opponents' political strength. Thus, legislators can and do draw districts that are equal in population and acceptably compact and contiguous to benefit either party. For these reasons, many states have established rules that, in addition to constitutional requirements, require legislators to draw districts that respect the integrity of existing political or geographic entities to the extent possible. Illinois has no such rules.

During the 95th General Assembly, the House adopted House Joint Resolution 44, which would have changed the tiebreaker mechanism.²⁶ The proposed constitutional

²² Illinois Constitution, Art. 4, Sect. 3.

²³ This section is drawn largely from James D. Nowlan, "Redistricting: The Politics," in the series A Media Guide to Illinois Remap, No. 5 (Urbana: Institute of Government and Public Affairs, March 1991).

²⁴ Illinois Constitution, Art. 4, Sect. 3(b).

²⁵ Illinois Constitution, Art. 4, Sect. 3(a).

²⁶ House Joint Resolution 44 (95th General Assembly). The bill would have proposed an amendment to the Legislature Article of the Illinois Constitution and authorized the Illinois state Senate by resolution (instead of the General Assembly by law) to divide the Legislative Districts into 3 groups for the election of senators. In addition, the bill would have required Legislative and Representative Districts to reflect minority-voting strengths and to consider political boundaries (as well as be compact, contiguous, and substantially equal in population). It also would have provided that, by June 30 in the year following each federal decennial census year, the Senate and House, each by resolution adopted by three-fifths of the members elected, would redistrict the Legislative and Representative Districts, respectively. Finally, if a resolution was not filed with the Secretary of State by June 30, the bill further provided that a Legislative District or a Representative District Redistricting Commission would be appointed and the Commission would have had until July 31 to redistrict the Legislative Districts or Representative Districts, as applicable. If a Commission were to fail to redistrict, the bill then required the Chief Justice and another Judge of the Supreme Court to appoint a Special Master to redistrict by September 5.

amendment would have authorized the House and the Senate to independently draw maps for their respective chambers. The approval of the governor would not be required. In the case of an impasse, two Illinois Supreme Court justices (one from each political party) would appoint a “special master” to draw the maps. The bill died in the Senate.

Since then, the Governor’s Reform Commission has recommended similar changes to reform the redistricting process,²⁷ which resulted in the introduction in the 96th General Assembly of Senate Joint Resolution Constitutional Amendment 69 (SJRC A 69).²⁸ The proposal remains pending in the Senate Assignments Committee, which begs the question of whether any measure to improve the Illinois redistricting process will ever pass both chambers and become law.

Changing Political Culture

In an epilogue to IGPA’s March 31, 2009, report, former Governor Jim Edgar recognized that:

“...we as voters also have a responsibility and unfortunately, we let ourselves down. The public should have paid attention to what the media was report-

ing. Rod Blagojevich did nothing different in his second term than he did in his first term. Most voters are not going to talk to many people serving in state government, but given the television and newspaper reports of Governor Blagojevich’s administration, it was very obvious that there were serious problems. Unfortunately, the public as a whole did not pay close enough attention. People cannot expect that by merely passing ethics laws that everything is going to work. It takes an informed electorate. It takes a responsible political process. So everyone fell down in this one. The only way to prevent this from happening in the future is for the public officials, the parties, and the public to pay a lot more attention and hold everyone serving in public office more accountable.”²⁹

Many Illinoisans believe that there is a “culture of corruption” in the state, and in 2009 they joined in a political battle to change this culture in the post-Blagojevich era.³⁰ As Illinoisans angrily demanded government reform, public officials seemed to advocate doing so primarily through changes in public ethics and campaign finance laws. Nonetheless, we believe that Illinois needs a more systematic approach to understanding and dealing with its culture of corruption. By



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²⁷ Illinois Reform Commission, *100 Days Report* (April 28, 2009), page 47-50. <http://www.reformillinoisnow.org/press%20releases/IRC%20100-Day%20Report%20-%20Final.pdf>.

²⁸ Senate Joint Resolution Constitutional Amendment 69. This bill would propose to amend the Legislature Article of the Illinois Constitution. The Senate by resolution would divide the Legislative Districts into 3 groups for the election of Senators. Moreover, the Legislative and Representative Districts would maximize majority-minority districts and minimize districts that cross county or municipal boundaries (as well as be compact, contiguous, and substantially equal in population). In addition, Representative Districts need not be entirely within Legislative Districts. On the third Tuesday in February in the year following each Federal decennial census year, the bill provides that the legislative leaders appoint a Temporary Redistricting Advisory Committee, with a fifth member elected by the appointed members. If a plan were not adopted, the Supreme Court by a two-thirds majority would make a final decision if necessary.

²⁹ Rich, et al., pp. 46-49. Governor Edgar based the “Epilogue” on his presentation at IGPA on February 11, 2009, when he discussed Illinois’ future as a part of the Institute of Government and Public Affairs’ Edgar Lecture Series. See http://www.news-gazette.com/video/special_reports/edgar_lecture_seriesthe_states_future/.

³⁰ See, for example, the membership of *CHANGE Illinois*, <http://www.changeil.org/node/8>.



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thinking carefully about what we mean by the words “culture” and “corruption,” we may be able to make headway on removing the blight on our state’s reputation.³¹

If “culture” involves societal attitudes and expectations, that is, the dominant cultural norms, then just how corrupt is Illinois’ political culture? How can we measure the extent of corruption in ways that enable us to propose meaningful reforms that will bring about honest government and a political culture that will sustain it? Policymakers must carefully consider these questions as they debate the effect any proposed reforms may have on political culture. Because U.S. Attorneys have successfully prosecuted more than 400 Illinois public officials in state, municipal, and county governments in recent years,³² we can reasonably infer that Illinois has overly relied on the federal government to police corruption in state and local government. Instead, Illinois public officials should do more themselves to ensure better ethical behavior.

This leads to the idea that we *can and should* change our political culture. History has provided illustrations on how a change in law and its implementation has transformed the public’s values, attitudes, and expectations. For example, the shift in

social attitudes concerning drinking and driving and the steady decline in traffic fatalities after tougher DUI laws were adopted and enforced since the 1980s. Of course, here the actual success would necessarily depend on the nature of the specific substantive changes and the effective implementation and enforcement of the reform laws. Moreover, it would depend on innovative ethics education of government officials and the public, especially our students in grade and high school and higher education.

Higher Education’s Role

Higher education has an important role to play as Illinois reforms its government. Scholars at the universities in Illinois should track, analyze, and compare “best practices” to provide a snapshot of reform efforts in the United States. Advanced research efforts should focus on legal and policy issues that relate to the following areas:

- Campaign finance
- Electoral structures and law (voting rights, redistricting and political gerrymandering, and ballot access)
- Structures of regulating corrupt deliberations (criminal laws, conflicts of interest, and lobbying) while taking into

³¹ Regarding some commentary on this reputation, see Richard L. Thomas, *A bad reputation* (Chicago: Chicago Tribune, March 8, 2009). Thomas, who is retired as chairman of First Chicago NBD Corp. and a member of CHANGE Illinois, opined, “Because of the highly publicized episodes of political corruption in Illinois, this state is regarded as one of the most corrupt in the country.”; Editorial, *Illinois still in competition for top corrupt state* (Bloomington, IL: The Pantagraph, December 9, 2009), noted that, “the public’s perception within and outside of the state is that Illinois is still ‘one hell of a competitor’ for ‘most corrupt state in the nation’ – as FBI Special Agent Robert Grant described it on Dec. 9, 2008 [the date Governor Rod Blagojevich was arrested].”

³² Rich, et al., pp. 38-45. Richard Winkel, a former state legislator, wrote that corruption has run deep in Illinois’ political culture for decades and will not be changed by federal prosecutors alone; citizens as well as state and local officials must join in this effort if it is to be successful. He noted that the state has been over-reliant on the federal government to police corruption and should consider doing more to ensure better ethical behavior among officials. He discussed Illinois’ recent past by looking into some of the criminal cases that grew out of the state’s political culture. These cases – especially the prosecution of Robert Sorich and others in Chicago – provide an understanding of some of the legal theories involved in fighting public corruption, including the federal mail fraud statute (18 U.S.C. 1346), with its theory that citizens should expect fair and honest service from public officials, which has been used very effectively in corruption prosecutions. The honest services provision is the subject of several appeals now pending before the U.S. Supreme Court, which has forced the U.S. Attorney’s Office in Chicago to redraft its charges against Rod Blagojevich. See SCOTUSblog, <http://www.scotusblog.com/wp/wednesday-round-up-12/>.

account implications to First Amendment rights (speech, association, petition) and other constitutional requirements

- Direct democracy alternatives (initiative, referendum, and recall)

Illinois higher education institutions can develop new programs for ethics reform and changing the political culture. An obvious example would be the drafting of model legislation or rules. Another concept could be the development of an “Integrity Index” that could be publicized quarterly or annually, or synchronized with election cycles. And an annual summit could be convened to bring together state and local officials, interest groups and others to discuss the state of Illinois’ political culture as a way to measure the success of reform.

An Integrity Index might be envisioned as a way to encourage the ethical behavior of Illinois government officials by mobilizing interested citizens and reform groups to demand it. Moreover, such an index could be made available for use by advocacy groups to make ethics reform a campaign issue, which could lead to the creation of an ethics pledge that candidates might be asked to sign.³³

Education programs that can change norms with regard to ethical behavior for state and local government bodies should be developed. There should be innovative and advanced ethics training for the state legislators, senior state agency officials, and municipal and county leaders. Success would depend on elements of operational programs, such as attaining high public visibility; deeply imprinting on officials and on the public’s mind through continuing education programs; adopting clear

state statutes on ethical behavior, with clear sanctions for illegal behavior; and rewriting state ethics exams with innovative methods for their administration.

Finally, we believe in the need to develop and sustain education programs in our elementary and secondary schools that truly teach and inspire our students to become informed citizens and active participants in society, government, and politics.

Conclusions

Can we reform state government? The answer is definitely yes. Instead of relying so heavily on the federal government to police corruption, the governor, legislators, and the courts should enact and strictly enforce state reform laws and honestly assess whether Illinois’ political culture is, in fact, improved. Thus, the overall objective would be to transform cultural norms to those that condemn unethical political behavior at the community level and above.

Notwithstanding the modest changes embodied in the Senate Bill 1466, we believe that the role of money in politics should remain at the center of any serious discussion of reform in Illinois. While spending money to influence an election or influence public policy is “protected political speech,” Congress or legislatures can *and should* regulate contributions through measures designed to reduce corruption and the appearance of corruption.³⁴ Restoring public confidence in the outcome of elections remains a high priority. To be sure, Senate Bill 1466 regulates some contributions, and could strengthen “sunshine laws” designed to maximize disclosure, reporting, and transparency.



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³³ See Jim Nowlan, *State needs a regularly updated 'integrity index'* (Champaign-Urbana, IL: The News-Gazette, November 29, 2009), where he argues, “We need an Illinois ‘Integrity Index’ that would be updated regularly to reflect improvement or slippage in our public integrity.”

³⁴ *Buckley v. Valeo*, 424 U.S. 1 (1976) and *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003).



However, given that more than 400 Illinois public officials have been successfully prosecuted in recent years,³⁵ the role that reform laws could actually play in significantly overcoming the corruption that has plagued our political culture remains a pressing concern.

Finally, higher education can provide empirical evidence about good-government opportunities that have worked or not worked in other states. At IGPA, we

have and will continue to identify “best practices” and to provide a snapshot of reform efforts in the United States.³⁶ In the end, it is nonetheless the responsibility of everyone – government leaders, business leaders, and the public – to work together to change the political culture in Illinois. We have not arrived where we are overnight, and it will take time and energy to bring about positive and lasting changes.

³⁵ For example, *United States v. Sorich*, 523 F.3d 702, 709 (7th Cir. 2008) (city officials convicted for violating Shakman decrees); *United States v. Fernandez*, 282 F.3d 500, 503-05 (7th Cir. 2002) (mayor convicted); *United States v. Vrdolyak*, 536 F. Supp. 2d 899 (E.D. Ill., 2008); *United States v. Rezko*, 2008 U.S. Dist. LEXIS 91576 (N.D. Ill. Nov. 12, 2008); and *United States v. Blagojevich* (governor impeached and indicted, awaiting trial; charges are part of *Operation Board Games*, a continuing public corruption investigation of pay-to-play schemes, including insider-dealing, influence-peddling and kickbacks involving private interests and public duties).

³⁶ Rich, et al., <http://igpa.uillinois.edu/system/files/documents/IGPAGovernmentReform-2009.pdf>



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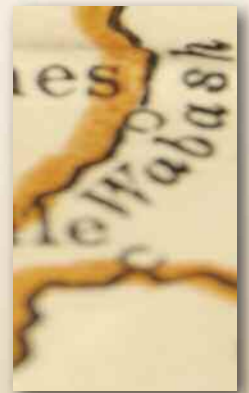
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